

Message

From: adm15.arwheeler.email@epa.gov [adm15.arwheeler.email@epa.gov]
Sent: 9/26/2019 12:28:23 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Jackson, Ryan [jackson.ryan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; Scott, Corey [scott.corey@epa.gov]; Molina, Michael [molina.michael@epa.gov]
Subject: Re: Washington Post

Can you email me the talking points please. They aren't in my book and I'm talking to the press in 30 minutes.

Sent from my iPhone

On Sep 26, 2019, at 8:10 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Hello Sir,

The Washington Post story on the water letter to CA Governor Newsom is live. Link below:

https://www.washingtonpost.com/climate-environment/epa-tells-california-it-is-failing-to-meet-its-obligations-to-stem-water-pollution/2019/09/26/b3ffca1e-dfac-11e9-8dc8-498eabc129a0_story.html

EPA tells California it is 'failing to meet its obligations' to stem water pollution

By Juliet Eilperin, Brady Dennis

September 26, 2019 at 8:00 a.m. EDT

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

Message

From: Benevento, Douglas [benevento.douglas@epa.gov]
Sent: 9/4/2019 10:01:44 PM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]
CC: Molina, Michael [molina.michael@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Talking Points
Attachments: Talking Points - Update on California - September, 2019.docx

I sent this to Cory as well but because it's so late I want make sure it reaches you. If you need more or something different please let me know.

Message

Sent: 9/6/2019 4:15:17 PM
To: Fotouhi, David [fotouhi.david@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]; Woods, Clint [woods.Clint@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]
Subject: California Letter
Attachments: California Letter - Revised (003)- dhb.docx

PRIVILEGED—DELIBERATIVE—DO NOT RELEASE

Attached is the letter with some revisions. I tinkered with the opening paragraph and added a paragraph on the CAA, if what Clint put together is better please use that instead. I also added a sentence about the cost of compliance in the San Francisco section.

Sent: 9/24/2019 10:34:33 PM
To: Bodine, Susan [bodine.susan@epa.gov]
CC: Forsgren, Lee [Forsgren.Lee@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Fotouhi, David [fotouhi.david@epa.gov]; Jackson, Ryan [jackson.ryan@epa.gov]
Subject: RE: Water TPS
Attachments: Water TPS.docx

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, September 24, 2019 2:06 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>
Cc: Forsgren, Lee <Forsgren.Lee@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Re: Water TPS

Ex. 5 Deliberative Process (DP)

Are we waiting for a reply? Do you want to qualify that

Sent from my iPhone

On Sep 24, 2019, at 5:08 AM, Benevento, Douglas <benevento.douglas@epa.gov> wrote:

Lee, thanks for putting this together, particularly at 9pm last night, they were well done.

Susan, I addressed the below issues you raised and also tightened the talking points up a little to address the issue that will come up which is how did we reach this point with the State of California. I took out some of the talking points that were in the letter which didn't need to be repeated in this document.

If everyone would review this and if there are revisions necessary we can work on them.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, September 24, 2019 7:24 AM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: Re: Water TPS

Ex. 5 Deliberative Process (DP)

Sent from my iPhone

On Sep 23, 2019, at 9:00 PM, Forsgren, Lee <Forsgren.Lee@epa.gov> wrote:

Doug and Jessica,

Per your request here are draft Talking Points on the Water Letter,

Lee

<Water TPs.docx>

<Water TPs.docx>

Message

Sent: 9/11/2019 6:54:57 PM
To: Lawkowski, Gary M. EOP/WHO [Ex. 6]; Hobbs, Benjamin R. EOP/WHO [Ex. 6]; Troutman, Joel D. EOP/WHO [Ex. 6]
CC: Jackson, Ryan [jackson.ryan@epa.gov]
Subject: Environmental Impact of Homelessness
Attachments: EPA Tools to Address the Environmental Impact of Homelessness in LA- Final.docx + meg.docx

All:

As requested attached please find a document outlining EPA's authorities to address the impact of homelessness. It's a high level, so if you need more detail please let me know, also if you have questions please give me a call or we can discuss tomorrow at the PCC.

Best,

Doug Benevento

EPA Tools to Address the Environmental Impact of Homelessness in Los Angeles

The Environmental Protection Agency is responsible for implementation of the Municipal Separate Storm Sewer System (MS4) program and providing oversight for states that have been authorized to run the program. Among other things, the MS4 program is designed to protect receiving waters from contaminants in stormwater.

The growing homeless population in Los Angeles, estimated at 60,000 individuals, is resulting in human pathogens and other waste being discharged into nearby water bodies. California EPA has been delegated authority to run the MS4 program and has the responsibility for issuing permits and ensuring compliance. It is the responsibility of the CalEPA to mitigate these discharges and ensure that public health and the environment is protected. If the State is not providing the necessary oversight, then EPA can step in and take direct action.

Ex. 5 Deliberative Process (DP)

Message

From: McFaul, Jessica [mcfaul.jessica@epa.gov]
Sent: 9/26/2019 12:38:50 AM
To: Bodine, Susan [bodine.susan@epa.gov]; Ross, David P [ross.davidp@epa.gov]
CC: Mejias, Melissa [mejias.melissa@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: LAST QUESTION! 09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS_CB.docx
Attachments: 09-25-2019 CA Water Letter Press Release DRAFT.pdf

Here's a PDF including all the changes highlighted. Jess

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, September 25, 2019 5:52 PM
To: McFaul, Jessica <mcfaul.jessica@epa.gov>; Ross, David P <ross.davidp@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: LAST QUESTION! 09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS_CB.docx

Stormwater will not be 1973 since Congress clarified that authority in the 1987 amendments and EPA's regs were 1990. Can you say:

Ex. 5 Deliberative Process (DP)

From: McFaul, Jessica <mcfaul.jessica@epa.gov>
Sent: Wednesday, September 25, 2019 5:42 PM
To: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: RE: LAST QUESTION! 09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS_CB.docx

All edits highlighted here. Please check for accuracy. If you both sign off, I will clean up and have it delivered the Doug, RJ and AAW. Thanks again! Jess

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, September 25, 2019 4:04 PM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>
Subject: Re: LAST QUESTION! 09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS_CB.docx

Yup, very useful chart. We also include the 73, 78 and 89 dates in FN 1 of the letter.

Sent from my iPad

On Sep 25, 2019, at 4:01 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

EPA has a table on the NPDES website - State program authorization

Say original permit program authorization for CA was may 14 1973

Sent from my iPhone

On Sep 25, 2019, at 12:53 PM, McFaul, Jessica <mcfaul.jessica@epa.gov> wrote:

Dave/Susan,

Ex. 5 Deliberative Process (DP)

Thanks again for all your help!

Jess

Jessica McFaul
Senior Advisor for Strategic and Regional Communications
Office of the Administrator, Office of Public Affairs
U.S. Environmental Protection Agency
mcfaul.jessica@epa.gov
Desk: 202-564-6429
Cell: **Ex. 6 Personal Privacy (PP)**

<09-23-2019 - DRAFT RELEASE - Water letter to CA AAW EDITS_CB.docx>

Message

From: bodine.susan@epa.gov [bodine.susan@epa.gov]
Sent: 9/26/2019 4:25:31 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: Re: 10:30 AM EPA Press Briefing Call

Ex. 5 Deliberative Process (DP)

Sent from my iPad

On Sep 26, 2019, at 9:21 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Deadline is asap. Ap is asking:

Question to clarify, please: The letter refers to “exceedances” under the Safe Drinking Water Act – i.e., “665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.” **Does this mean that these communities’ drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?**

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:08 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: FW: 10:30 AM EPA Press Briefing Call

Here is another one. He is working on story now, so he needs are response shortly.

Thanks,

Angela

From: Flesher, John <jflesher@ap.org>
Sent: Thursday, September 26, 2019 11:55 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

Question to clarify, please: The letter refers to “exceedances” under the Safe Drinking Water Act – i.e., “665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.” Does this mean that these communities’ drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

Thanks,

John Flesher
AP

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Thursday, September 26, 2019 10:25 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: 10:30 AM EPA Press Briefing Call

Good Morning,

Thank you for RSVP'ing for this morning's press briefing on a water quality announcement. Please see additional materials for this call attached and below.

Conference ID: [Ex. 6 Personal Privacy (PP)]
Press call-in number: [Ex. 6 Personal Privacy (PP)]
Time: 10:30 AM ET

EPA Administrator Wheeler calls out California's Environmental Protection Failure
State's homelessness crisis threatens human health and the environment

WASHINGTON – Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler**. “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state's recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator's letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources – which includes a significant tax base and EPA providing over \$1 billion in federal grants and a

\$699 million loan through the Water Infrastructure Finance and Innovation Act – San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

#

Andrea Woods

Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

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The information contained in this communication is intended for the use of the designated recipients named above. If the reader of this communication is not the intended recipient, you are hereby notified that you have received this communication in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify The Associated Press immediately by telephone at +1-212-621-1500 and delete this email. Thank you.

Message

Sent: 10/3/2019 3:28:14 PM
To: Corry Schiermeyer (schiermeyer.corry@epa.gov) [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]
Subject: FW: Time Sensitive: E&E News Inquiry
Attachments: SFPUC Letter.pdf

See below

From: Bodine, Susan
Sent: Thursday, October 3, 2019 11:27 AM
To: Hull, George <Hull.George@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Time Sensitive: E&E News Inquiry

Mostly from desk statement. Approved by Lee in OW also:

The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act. EPA Region 9 issued a Notice of Violation on October 2 to the San Francisco Public Utilities Commission, a regulated entity, about Clean Water Act violations identified by EPA through inspections and field visits in 2015 and 2016, and subsequently gathered information, such as monitoring data. As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks. For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean. Oversight of State program implementation and oversight of regulated entities are separate issues. EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance. EPA retains its enforcement authority in authorized states and can act if needed. Renewal of a permit that authorizes discharges and violations of that permit also are separate issues. On September 9, 2019, the San Francisco Public Utilities Commission elevated its concerns about the draft permit renewal to the Region 9 Regional Administrator. The concerns articulated in that letter included the Commission's interpretation of the 1994 Combined Sewer Overflow Policy and an objection to permit terms requiring compliance with water quality standards. Those issues implicate matters of national consistency and are under review by EPA.

The September 9 letter is attached.

From: Hull, George <Hull.George@epa.gov>
Sent: Thursday, October 3, 2019 8:53 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>
Subject: Time Sensitive: E&E News Inquiry

Susan and Larry,

Late yesterday, OPA sent us the inquiry below from E&E News related to San Francisco wastewater. Region 9

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

I'm on my way into the office and will see you at our 9:30 meeting. Thanks, George

E&E Inquiry:

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
- Why hasn't EPA signed off on the Oceanside permit?
- Who at EPA is reviewing the permit? Is this issue still at Region 9 or has it been transferred to headquarters?
- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.
- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Message

Sent: 10/2/2019 9:59:43 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]
CC: Block, Molly [block.molly@epa.gov]; David P Ross (ross.davidp@epa.gov) [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]
Subject: RE: San Francisco NPDES NOV Posted

Last week's letter was an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act. The NOV issued today was an enforcement letter issued to San Francisco, a regulated entity that has Clean Water Act violations. EPA retains its enforcement authority in authorized states and routinely issues enforcement letters, including notices of violation.

Follow-up question: Did you consult with California?

Answer: We can't comment on the details of any enforcement action.

[internal information:

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Wednesday, October 2, 2019 5:56 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Cc: Block, Molly <block.molly@epa.gov>
Subject: RE: San Francisco NPDES NOV Posted

We got asked (and no doubt more people will ask)...about the timing of this as last weeks letter says the State has 30 days to respond to EPA and clearly the NOV went out before that time was up.

I have no doubt there is an explanation, but if someone could pull that together for us, that would be great. Also, how long have we been working on this.

Thank you!

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Wednesday, October 2, 2019 5:28 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Subject: FW: San Francisco NPDES NOV Posted

From: Hull, George <Hull.George@epa.gov>
Sent: Wednesday, October 2, 2019 5:18 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>
Subject: San Francisco NPDES NOV Posted

Susan and Larry,

The notice of violation can be found at <https://www.epa.gov/ca/city-and-county-san-francisco-npdes-notice-violation-october-2-2019>

Sent from my iPhone

Message

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 9/26/2019 2:16:41 PM
To: Block, Molly [block.molly@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: RE: Next week

Susan –

Wheeler was asked if this came at the direction of the WH. Wheeler said this in response to the question today:

WHEELER: “This came to my attention at the Energy & Commerce hearing back in March. Congresswoman Barragan asked me about the drinking water in Compton, and I went back to my staff and started looking into it. First of all, she only gave me the opportunity to answer 2 “yes or no” questions, so I couldn’t explain it to her at the time. We delegated the water programs to California, so they are the first line of defense. So were taking a look at a lot of the problems in the California water systems and we outlined them in the letter.”

He later said he has discussed this with the White House/President since it was brought up at the hearing. He then said that what the Agency was working on, and drafting the letter predated his conversations with the President on the subject.

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, September 26, 2019 10:14 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: Next week

Adding Abboud.

From: Block, Molly
Sent: Thursday, September 26, 2019 8:51 AM
To: Bodine, Susan <bodine.susan@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
Subject: RE: Next week

Run of Show

7:00 am: X sends letter to Gov. Newsom
8:00 am: Washington Post story goes live online
10:00 am: Andrea Woods sends around list of press RSVPs
10:15 am: Molly logs on to leaderview and briefs the operator
10:25 am: Andrea Woods sends email call RSVPs (on BCC) with letter (attached)
10:30 am: Web goes live (Nancy)
10:30 am: Press release goes out (Andrea Woods)
10:30 am: Molly opens the press call (script below)
10:32 – 10:36 am: AA Bodine opening remarks on letter (draft language below)
10:06 – 10:25 am: Q&A from press
10:25 am: Molly closing
11:00 am: Hard stop

Call Information

Conference ID:

Ex. 6 Personal Privacy (PP)

Leader call-in number:

Press call-in number:

Ex. 6 Personal Privacy (PP)

Script

Molly: Thank you all for joining us this morning for a background press briefing. I will soon turn the call over to EPA's Office of Enforcement and Compliance Assurance Assistant Administrator Susan Bodine. This is a background briefing, as such you may attribute information you learn on this call to an EPA senior official. You are free to report on this information in real time. After Assistant Administrator Bodine's opening remarks we will open up the call to questions from the press. Thanks again for joining us and I will now turn the call over to Assistant Administrator Bodine.

Susan: Thank you all for joining us. This morning, EPA Administrator Andrew Wheeler sent an oversight letter to Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them. In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, we are asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

Based upon data and reports, we are concerned that California's implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs. The cost of this failure will be paid by those Californians exposed to unhealthy air and degraded water.

EPA is aware of numerous recent health-based exceedances under the Safe Drinking Water Act: in just the most-recent reporting quarter of 2019, California had 202 Community Water Systems with 665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk. These exceedances include:

- 67 systems with 194 serious health-based exceedances of arsenic levels, impacting over 101,000 residents.
- 210 lead action level exceedances in just the most recent 3-year interval at 168 PWSs, impacting over 10,000 residents.
- 2 systems with serious Ground Water Rule compliance issues, impacting over 250,000 residents.
- 44 systems with 154 exceedances of the Stage 1 and 2 disinfection byproduct regulations, impacting almost 255,000 residents.
- 25 systems with 69 exceedances of radiological standards, impacting almost 12,000 residents.

These exceedances call into question the State's ability to protect the public and administer its SDWA programs in a manner consistent with federal requirements.

Under the Clean Water Act, in this past quarter, we identified 23 significant instances of discharges into waters of the United States in exceedance of permit limits. To name a few, the City of Los Angeles exceeded its permit limit for Indeno[1,2,3-cd]pyrene (a contaminant which is reasonably anticipated to be a human carcinogen) by 442 percent; the University of Southern California exceeded its permit limit for copper (a metal which can adversely affect human health and the health of aquatic life) by 420 percent; and the Sanitary District Number 5 of Marin County exceeded its permit limit for total cyanide by 5,194 percent. These are serious matters that warrant a strong review by California.

We are also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment. Press reports indicate that "piles of human feces" on sidewalks and streets in these cities are becoming all too common. EPA is concerned about the potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters.

California is responsible for implementing appropriate municipal storm water management and waste treatment requirements as part of its assumed federal program, but the state is failing to properly implement these programs. The City of San Francisco's years-long practice—allowed by CalEPA—of routinely discharging over one billion gallons of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean on an annual basis. This has allowed raw sewage to back up into homes and businesses.

The U.S. EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.

It is time for the State to act decisively under its authorities to address the problems identified in the letter. For each of the delegated or assumed programs discussed, EPA Administrator Wheeler is requesting a written response within 30 days outlining in detail how California intends to address the concerns and violations identified.

I will now open up the floor to questions.

Molly: Thanks Assistant Administrator Bodine. Now our operator NAME will instruct interested members of the press how to ask a question. When your line is open, please state your name and affiliation. Thanks.

Operator: If you're interested in asking a question please press star 1 at this time...

Q&A

Molly: That's all the time we have for today's call. As I said earlier the information on this call is for background purposes and you are free to report on this now. Thanks for joining us this morning. If you have any follow up questions/questions that weren't answered, please email press@epa.gov and we will get back to you. Have a wonderful day. Goodbye.

-----Original Message-----

From: Bodine, Susan

Sent: Thursday, September 26, 2019 8:51 AM

To: Block, Molly <block.molly@epa.gov>

Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>

Subject: Re: Next week

Can you resend?

Sent from my iPhone

> On Sep 26, 2019, at 5:29 AM, Block, Molly <block.molly@epa.gov> wrote:

>

> updated call-in info below. Did you get the script and run of show?

>

> Conference ID: Ex. 6 Personal Privacy (PP)

> Leader call-in number: Ex. 6 Personal Privacy (PP)

>

> -----Original Message-----

> From: Bodine, Susan

> Sent: Thursday, September 26, 2019 8:29 AM

> To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>; Block, Molly <block.molly@epa.gov>

> Subject: Re: Next week

>

> Is it the same call in today ?

>

> Sent from my iPhone

>

>> On Sep 25, 2019, at 7:18 AM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

>>

>> Here you go...sorry about that.

>>

>> Ex. 6
>> Extension: Ex. 6
>> Participant Code: Ex. 6
>>
>> -----Original Message-----
>> From: Bodine, Susan <bodine.susan@epa.gov>
>> Sent: Wednesday, September 25, 2019 9:05 AM
>> To: McFaul, Jessica <mcfaul.jessica@epa.gov>
>> Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
>> Subject: RE: Next week
>>
>> Still need a call in number for the background briefing today.
>>
>> -----Original Message-----
>> From: McFaul, Jessica <mcfaul.jessica@epa.gov>
>> Sent: Tuesday, September 24, 2019 2:09 PM
>> To: Bodine, Susan <bodine.susan@epa.gov>
>> Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
>> Subject: RE: Next week
>>
>> WOOPS! You said 10 TO 11...let be backtrack and confirm 10:30 for the background briefing...we'll have you on your way at 11. Thanks again! Jess
>>
>> -----Original Message-----
>> From: McFaul, Jessica
>> Sent: Tuesday, September 24, 2019 2:05 PM
>> To: Bodine, Susan <bodine.susan@epa.gov>
>> Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
>> Subject: RE: Next week
>>
>> Perfect, thanks so much! Let's do 11am for Thursday, and we're still looking at 1:30pm tomorrow for an embargoed interview with a national paper TBD. Details to come. Jess
>>
>> -----Original Message-----
>> From: Bodine, Susan <bodine.susan@epa.gov>
>> Sent: Tuesday, September 24, 2019 2:01 PM
>> To: McFaul, Jessica <mcfaul.jessica@epa.gov>
>> Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
>> Subject: Re: Next week
>>
>> I could do 10-11
>> That is 7 to 8 here
>>
>> Sent from my iPhone
>>
>>> On Sep 24, 2019, at 8:54 AM, McFaul, Jessica <mcfaul.jessica@epa.gov> wrote:
>>>
>>> Hi Susan, Doug and I were discussing potential shifts in timing for Thursday based on how the air letter rollout went, and we're wondering if you would have any availability earlier in the day (perhaps 10 or 11am ET)? Jess
>>>
>>> -----Original Message-----
>>> From: Bodine, Susan <bodine.susan@epa.gov>
>>> Sent: Monday, September 23, 2019 3:46 PM

>>> To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>
>>> Subject: RE: Next week
>>>
>>> On Thursday, I could step away from the RA meeting between about 1-2:30 EST
>>> (10 to 11:30 Pacific time)
>>>
>>> -----Original Message-----
>>> From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
>>> Sent: Monday, September 23, 2019 10:42 AM
>>> To: McFaul, Jessica <mcfaul.jessica@epa.gov>
>>> Cc: Bodine, Susan <bodine.susan@epa.gov>
>>> Subject: RE: Next week
>>>
>>> Water q/a attached.
>>> Thank you...
>>>
>>> -----Original Message-----
>>> From: Schiermeyer, Corry
>>> Sent: Monday, September 23, 2019 10:16 AM
>>> To: McFaul, Jessica <mcfaul.jessica@epa.gov>
>>> Cc: Bodine, Susan <bodine.susan@epa.gov>
>>> Subject: FW: Next week
>>>
>>> Talked to Susan...here are some times that could work for Wednesday: 12:20-2:15pmET.
>>>
>>> Jess...please reach out to Tal and see what time works best. Let's block 30 minutes, but should only go about 15-20.
>>>
>>> For broader media call on Thursday, we are still looking at times.
>>>
>>> Will see what q/a we may have on this. Jess...did Lee send anything?
>>>
>>> Attached is the air letter.
>>>
>>> Thank you!
>>>
>>> -----Original Message-----
>>> From: Schiermeyer, Corry
>>> Sent: Monday, September 23, 2019 9:22 AM
>>> To: Bodine, Susan <bodine.susan@epa.gov>
>>> Cc: McFaul, Jessica <mcfaul.jessica@epa.gov>
>>> Subject: RE: Next week
>>>
>>> Thank you. When you have a sense of your schedule, would you send us some times that might work for a call with the San Francisco Chronicle on the water letter?
>>>
>>> Next week we will have you and the Administrator talk to some reporters on the NOV issue once that is finalized.
>>>
>>> Thank you!
>>>
>>> -----Original Message-----
>>> From: Bodine, Susan <bodine.susan@epa.gov>
>>> Sent: Friday, September 20, 2019 4:52 PM

>>> To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>

>>> Subject: RE: Next week

>>>

>>> I am at ECOS on Wednesday. But I assume I could do a call from the hotel.

>>>

>>> -----Original Message-----

>>> From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

>>> Sent: Friday, September 20, 2019 1:47 PM

>>> To: Idsal, Anne <idsal.anne@epa.gov>; Woods, Clint <woods.clint@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

>>> Subject: Next week

>>>

>>> For Anne and Clint...are you all available Monday and Tuesday for some possible media calls?

>>>

>>> Susan...are you available midweek to discuss water issues in CA?

>>>

>>> This has to do with the letters to CA on air and water.

>>>

>>> Please let Jess and I know and we will work with you all to set up some calls.

>>>

>>> Thank you!

>>>

>>> Sent from my iPhone

To: Dennis, Allison[Dennis.Allison@epa.gov]
Cc: Ross, David P[ross.davidp@epa.gov]; Bodine, Susan[bodine.susan@epa.gov]; Hull, George[Hull.George@epa.gov]; Egan, Patrick[egan.patrick@epa.gov]
From: Forsgren, Lee[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A055D7329D5B470FBAA9920CE1B68A7D-FORSGREN, D]
Sent: Fri 9/27/2019 1:32:02 AM (UTC)
Subject: Re: Gannett ((2 pm deadline) p): CA announcement

Always agree with letting the letter speak for itself.

Sent from my iPhone

On Sep 26, 2019, at 6:36 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Got it .

Sent from my iPhone

On Sep 26, 2019, at 6:25 PM, Ross, David P <ross.davidp@epa.gov> wrote:

Just let letter speak for itself.

Sent from my iPad

On Sep 26, 2019, at 5:56 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Hi all, I just realized this one got away. The reporter (USA Today/Gannett) hasn't written and is still waiting.
For his question- would you all be comfortable with letting the letter speak for itself or do you want to say something specific regarding needles?

Sent from my iPhone

On Sep 26, 2019, at 12:38 PM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Reporter asks: The president last week was quoted in an [AP story](#) saying this: "You know, there's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things." **Susan didn't mention needles specifically so wanted to confirm with your office that that is indeed an issue.**

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:27 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Subject: FW: please send info on water call Thursday morning

FYI.

From: King, Ledge <lsrking@gannett.com>
Sent: Thursday, September 26, 2019 12:26 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Block, Molly <block.molly@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

By 2 if possible...
Thanks.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:20 PM
To: King, Ledge <lsrking@gannett.com>; Block, Molly <block.molly@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

Hi Ledge,

I am working on that part of the inquiry for you. Can you please let me know your deadline?
Thanks,

Angela

From: King, Ledge <lsrking@gannett.com>
Sent: Thursday, September 26, 2019 12:19 PM
To: Block, Molly <block.molly@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

Thanks...and the "needles"?

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, September 26, 2019 12:12 PM
To: King, Ledge <lsrking@gannett.com>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

Ledge –

From Wheeler's press gaggle this am at the PFAS symposium. Below is a real rough transcription:

"This came to my attention at the Energy & Commerce hearing back in March. Congresswoman Barragan asked me about the drinking water in Compton, and I went back to my staff and started looking into it. First of all, she only gave me the opportunity to answer 2 "yes or no" questions, so I couldn't explain it to her at the time. We delegated the water programs to California, so they are the first line of defense. So were taking a look at a lot of the problems in the California water systems and we outlined them in the letter."

He continued to say that he discussed this very issue with the White House as a result of this exchange and the steps the Agency was taking including drafting the letter.

From: King, Ledge <lsrking@gannett.com>
Sent: Thursday, September 26, 2019 12:08 PM
To: Block, Molly <block.molly@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

Molly:

Thanks for holding the call:

Two follow-ups.

The president last week was quoted in an [AP story](#) saying this:
"You know, there's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things."

Susan didn't mention needles specifically so wanted to confirm with your office that that is indeed an issue.

Also, you mentioned the Administrator's gaggle this morning where he mentioned concerns raised in March from Nannette Barragan about the issue. Can you share the audio on that?

Thanks,

Ledge

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, September 26, 2019 10:35 AM
To: King, Ledge <lsrking@gannett.com>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

See attached.

From: King, Ledge <lsrking@gannett.com>
Sent: Thursday, September 26, 2019 10:33 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: please send info on water call Thursday morning

Can you share California letter?

Sent from my iPhone

On Sep 25, 2019, at 4:32 PM, Woods, Andrea <Woods.Andrea@epa.gov> wrote:

Ledge –

Thank you for RSVP'ing to EPA's Thursday morning press briefing call on an upcoming water announcement.

Call-in number:
Conference ID:
Time: 10:30 AM ET

Please let us know if you have any questions.

Best,
Andrea

From: King, Ledge <lsrking@gannett.com>
Sent: Wednesday, September 25, 2019 4:31 PM
To: Press <Press@epa.gov>
Subject: please send info on water call Thursday morning

Ledyard King
Washington Correspondent

<image001.png>

Office: 703.854.8933
Mobile: 202.329.1391
lking@gannett.com
Twitter: @ledgeking

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 9/26/2019 4:32:44 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]
CC: Ross, David P [ross.davidp@epa.gov]; Forsgren, Lee [Forsgren.Lee@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Hull, George [Hull.George@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: RE: 10:30 AM EPA Press Briefing Call

Angela-

Susan and Lee have the following response:

Q: Does this mean that these communities' drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

A: Yes.

Sent from my iPhone

On Sep 26, 2019, at 9:21 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Deadline is asap. Ap is asking:

Question to clarify, please: The letter refers to "exceedances" under the Safe Drinking Water Act – i.e., "665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk." **Does this mean that these communities' drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?**

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:08 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: FW: 10:30 AM EPA Press Briefing Call

Here is another one. He is working on story now, so he needs are response shortly.

Thanks,

Angela

From: Flesher, John <jflesher@ap.org>
Sent: Thursday, September 26, 2019 11:55 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

Question to clarify, please: The letter refers to “exceedances” under the Safe Drinking Water Act – i.e., “665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.” Does this mean that these communities’ drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

Thanks,

John Flesher
AP

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Thursday, September 26, 2019 10:25 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: 10:30 AM EPA Press Briefing Call

Good Morning,

Thank you for RSVP’ing for this morning’s press briefing on a water quality announcement. Please see additional materials for this call attached and below.

Conference ID: Ex. 6 Personal Privacy (PP)
Press call-in number: Ex. 6 Personal Privacy (PP)
Time: 10:30 AM ET

EPA Administrator Wheeler calls out California’s Environmental Protection Failure
State’s homelessness crisis threatens human health and the environment

WASHINGTON – Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state’s failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler.** “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state’s recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator’s letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources – which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act – San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

#

Andrea Woods
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

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Message

From: Egan, Patrick [egan.patrick@epa.gov]
Sent: 10/3/2019 3:45:18 PM
To: Bodine, Susan [bodine.susan@epa.gov]; Hull, George [Hull.George@epa.gov]
CC: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: RE: Time Sensitive: E&E News Inquiry

Excellent. That's what I thought but wanted to be sure.

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: 202-440-3883

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, October 3, 2019 11:44 AM
To: Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Time Sensitive: E&E News Inquiry

Yes. It is a public document.

From: Egan, Patrick <egan.patrick@epa.gov>
Sent: Thursday, October 3, 2019 11:42 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Hull, George <Hull.George@epa.gov>
Cc: Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: RE: Time Sensitive: E&E News Inquiry

Thanks. OPA wants to confirm that it's okay to release the September 9th letter along with the response.

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: 202-440-3883

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Thursday, October 3, 2019 11:27 AM
To: Hull, George <Hull.George@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Time Sensitive: E&E News Inquiry

Mostly from desk statement. Approved by Lee in OW also:

The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act. EPA Region 9 issued a Notice of Violation on October 2 to the San Francisco Public Utilities Commission, a regulated entity, about Clean Water Act violations identified by EPA through inspections and field visits in 2015 and 2016, and subsequently gathered information, such as monitoring data. As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks. For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean. Oversight of State program implementation and oversight of regulated entities are separate issues. EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance. EPA retains its enforcement authority in authorized states and can act if needed. Renewal of a permit that authorizes discharges and violations of that permit also are separate issues. On September 9, 2019, the San Francisco Public Utilities Commission elevated its concerns about the draft permit renewal to the Region 9 Regional Administrator. The concerns articulated in that letter included the Commission's interpretation of the 1994 Combined Sewer Overflow Policy and an objection to permit terms requiring compliance with water quality standards. Those issues implicate matters of national consistency and are under review by EPA.

The September 9 letter is attached.

From: Hull, George <Hull.George@epa.gov>

Sent: Thursday, October 3, 2019 8:53 AM

To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>

Cc: Egan, Patrick <egan.patrick@epa.gov>

Subject: Time Sensitive: E&E News Inquiry

Susan and Larry,

Late yesterday, OPA sent us the inquiry below from E&E News related to San Francisco wastewater. Region 9

Ex. 5 Deliberative Process (DP)

I'm on my way into the office and will see you at our 9:30 meeting. Thanks, George

E&E Inquiry:

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
- Why hasn't EPA signed off on the Oceanside permit?

- Who at EPA is reviewing the permit? Is this issue still at Region 9 or has it been transferred to headquarters?
- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.
- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Message

From: Hill, Randy [Hill.Randy@epa.gov]
Sent: 9/30/2019 9:53:09 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

A couple of things—

Ex. 5 Deliberative Process (DP)

Randolph L. ("Randy") Hill
Director, Enforcement Targeting and Data Division
U.S. EPA (2222A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(202) 564-5474
(202) 564-0027 (FAX)
hill.randy@epa.gov

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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, September 30, 2019 5:14 PM
To: Hill, Randy <Hill.Randy@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

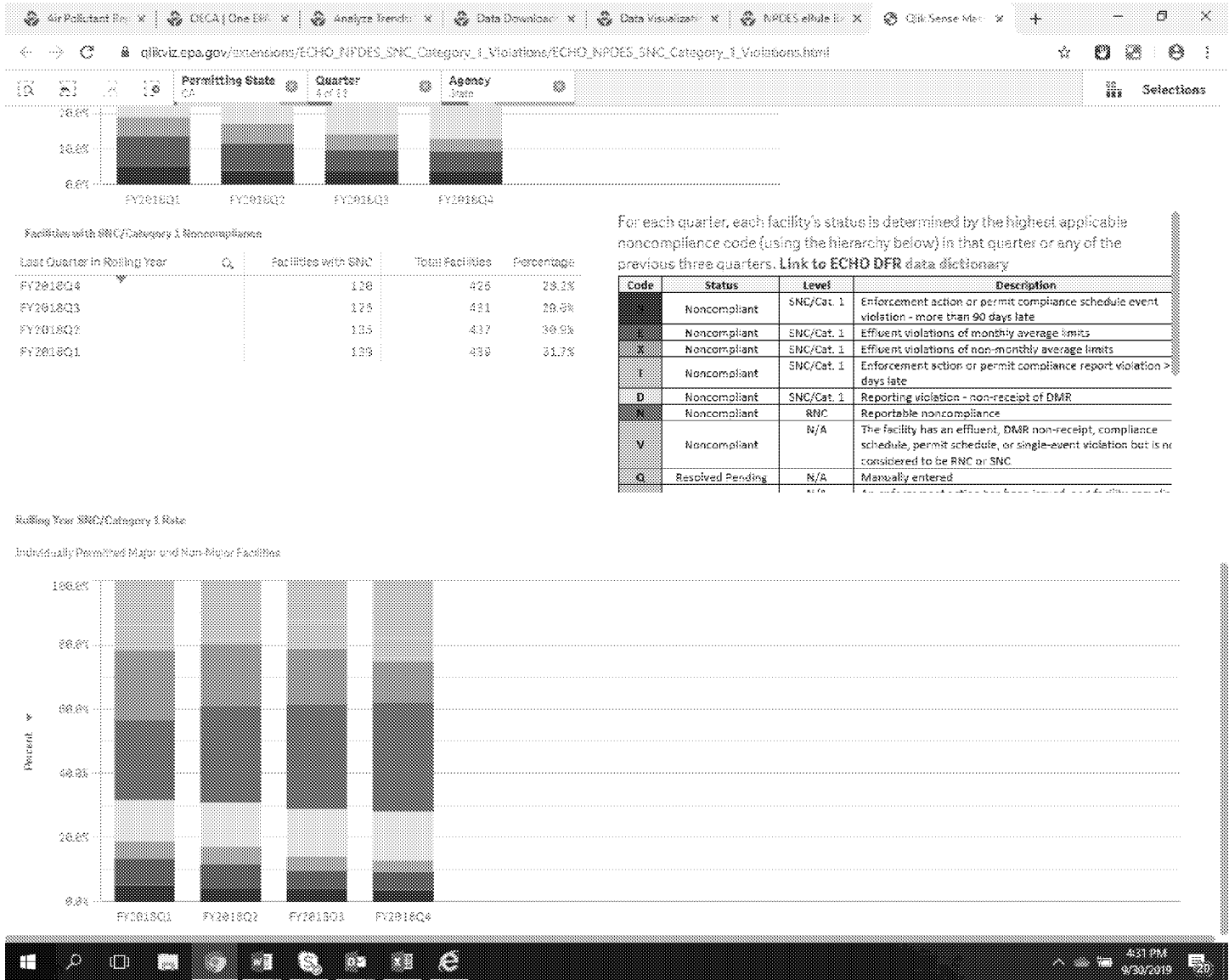
ECHO data math:

Ex. 5 Deliberative Process (DP)

Is that correct?

From: Hill, Randy <Hill.Randy@epa.gov>
Sent: Monday, September 30, 2019 4:33 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

Ex. 5 Deliberative Process (DP)



Randolph L. ("Randy") Hill
 Director, Enforcement Targeting and Data Division
 U.S. EPA (2222A)
 1200 Pennsylvania Avenue, N.W.
 Washington, D.C. 20460
 (202) 564-5474
 (202) 564-0027 (FAX)
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From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, September 30, 2019 4:17 PM
To: Hill, Randy <Hill.Randy@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

Ex. 5 Deliberative Process (DP)

From: Hill, Randy <Hill.Randy@epa.gov>
Sent: Monday, September 30, 2019 3:57 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: RE: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

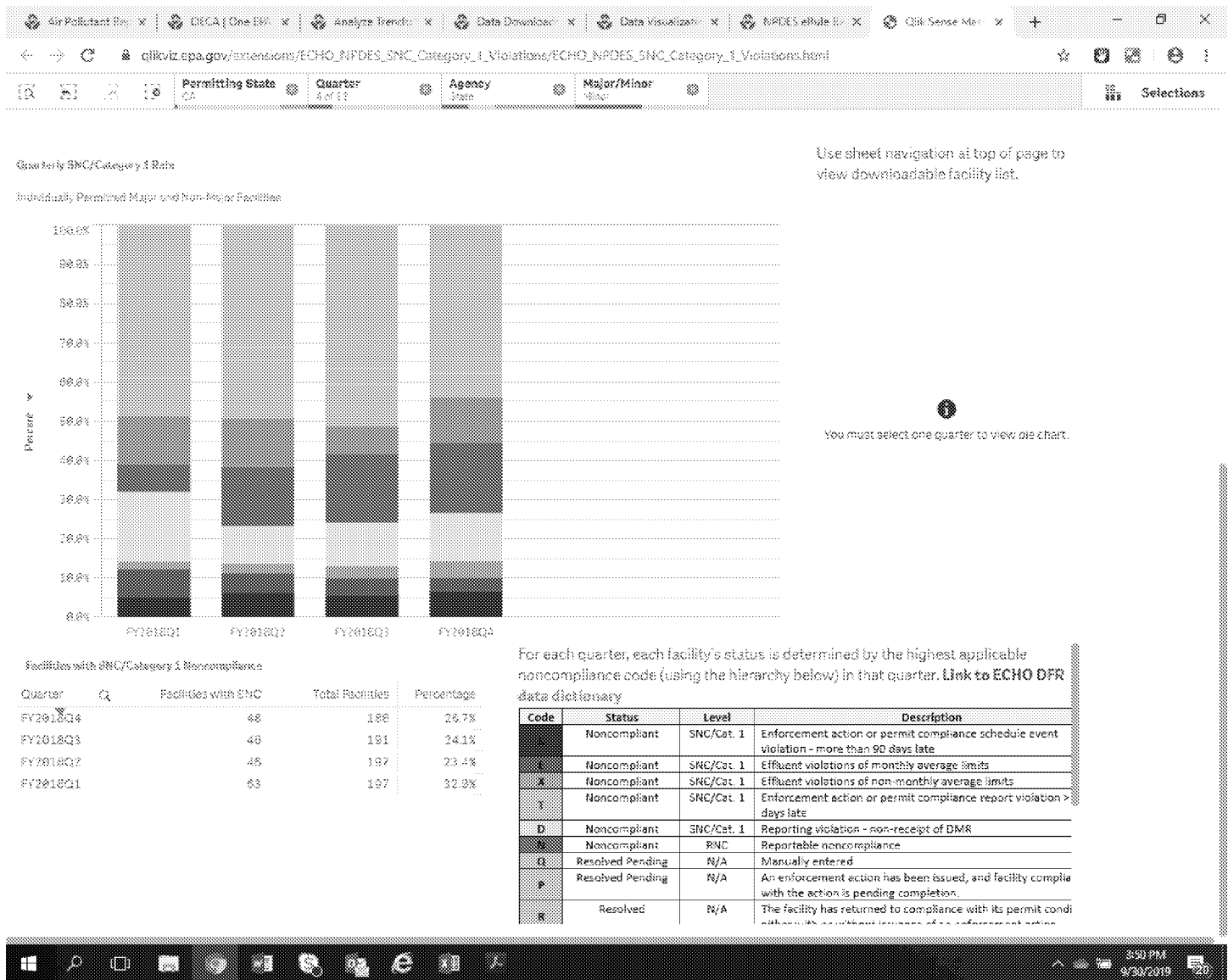
It would take a couple of hours at least to recreate this analysis for all states and then create a chart that compares states like the original charts. The data aren't stored this way in ECHO, so you'd need to run a report for each state by hand.

I've pulled the results for CA alone.

PWSs w/health-based violations in FY 2018 15% (national average 7%)
PWS w/acute health-based violations in FY 2018 4.26% (national avg. 1.55%)
Note: these numbers include all PWSs; Cynthia looked at Community Water Systems only.

For SNC, the rate for minors in FY 2018 fluctuates between 25% and 32%, depending on the quarter. See the screen shot below. However, I would seriously caveat these results. There are clearly more than 46-63 minor dischargers in California. We know there are long-standing data transfer issues between CA and ICIS-NPDES.

Note: The numbers below cannot be easily replicated by the public. We stopped publishing SNC rates for non-majors on the ECHO Dashboards in 2015 due to changes in State reporting related to the e-Reporting rule.



Randolph L. ("Randy") Hill
 Director, Enforcement Targeting and Data Division
 U.S. EPA (2222A)
 1200 Pennsylvania Avenue, N.W.
 Washington, D.C. 20460
 (202) 564-5474
 (202) 564-0027 (FAX)
hill.randy@epa.gov

Confidential: This transmission may contain deliberative, attorney-client, attorney work product or otherwise privileged material. Do not release under FOIA without appropriate review. If this message has been received by you in error, you are instructed to delete this message from your machine and all storage media whether electronic or hard copy.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, September 30, 2019 3:16 PM
To: Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Hindin, David <Hindin.David@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Hill, Randy <Hill.Randy@epa.gov>
Cc: Shiffman, Cari <Shiffman.Cari@epa.gov>; Mirza, Sabah <Mirza.Sabah@epa.gov>
Subject: FW: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

Ex. 5 Deliberative Process (DP) But, could you pull the 2018 data on CA for health-based violations (not all violations) and for SNC not majors only?

Susan

From: Block, Molly <molly@epa.gov>
Sent: Monday, September 30, 2019 3:02 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Subject: Press Inquiry: Giles letter to Wheeler 9-30-19.pdf

Not really sure who's best to address this... See attached letter from former OECA AA.

From: msoraghan@eenews.net <msoraghan@eenews.net>
Sent: Monday, September 30, 2019 2:51 PM
To: Press <Press@epa.gov>
Subject: Giles letter to Wheeler 9-30-19.pdf

Hi. I'm writing a story for the PM edition on this letter. Please let me know if EPA or Mr. Wheeler has any response.

Thanks, Mike Soraghan

Ex. 6

Message

From: Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: 10/3/2019 3:35:08 PM
To: Corry Schiermeyer (schiermeyer.corry@epa.gov) [schiermeyer.corry@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]
CC: Benevento, Douglas [benevento.douglas@epa.gov]
Subject: RE: Time Sensitive: E&E News Inquiry

Heard from Doug – he does not have time to review so go ahead and send.

From: Bodine, Susan
Sent: Thursday, October 3, 2019 11:29 AM
To: Corry Schiermeyer (schiermeyer.corry@epa.gov) <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>
Cc: Benevento, Douglas <benevento.douglas@epa.gov>
Subject: FW: Time Sensitive: E&E News Inquiry

See below. I know they set an 11:30 deadline. I did not hear back from Doug. He is copied here is he wants to chime in.

Susan

From: Bodine, Susan
Sent: Thursday, October 3, 2019 11:27 AM
To: Hull, George <Hull.George@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Subject: FW: Time Sensitive: E&E News Inquiry

Mostly from desk statement. Approved by Lee in OW also:

The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act. EPA Region 9 issued a Notice of Violation on October 2 to the San Francisco Public Utilities Commission, a regulated entity, about Clean Water Act violations identified by EPA through inspections and field visits in 2015 and 2016, and subsequently gathered information, such as monitoring data. As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks. For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean. Oversight of State program implementation and oversight of regulated entities are separate issues. EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance. EPA retains its enforcement authority in authorized states and can act if needed. Renewal of a permit that authorizes discharges and violations of that permit also are separate issues. On September 9, 2019, the San Francisco Public Utilities Commission elevated its concerns about the draft permit renewal to the Region 9 Regional Administrator. The concerns articulated in that letter included the Commission's interpretation of the 1994 Combined Sewer Overflow Policy and an objection to permit terms requiring compliance with water quality standards. Those issues implicate matters of national consistency and are under review by EPA.

The September 9 letter is attached.

From: Hull, George <Hull.George@epa.gov>
Sent: Thursday, October 3, 2019 8:53 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>
Subject: Time Sensitive: E&E News Inquiry

Susan and Larry,

Late yesterday, OPA sent us the inquiry below from E&E News related to San Francisco wastewater. Region 9

Ex. 5 Deliberative Process (DP)

I'm on my way into the office and will see you at our 9:30 meeting. Thanks, George

E&E Inquiry:

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
- Why hasn't EPA signed off on the Oceanside permit?
- Who at EPA is reviewing the permit? Is this issue still at Region 9 or has it been transferred to headquarters?
- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.
- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Message

From: Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]
Sent: 10/3/2019 3:20:35 PM
To: Hull, George [Hull.George@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]
CC: Egan, Patrick [egan.patrick@epa.gov]
Subject: RE: Time Sensitive: E&E News Inquiry

I am coordinating with Lee in OW. Will have a joint response shortly

From: Hull, George <Hull.George@epa.gov>
Sent: Thursday, October 3, 2019 8:53 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>
Subject: Time Sensitive: E&E News Inquiry

Susan and Larry,

Late yesterday, OPA sent us the inquiry below from E&E News related to San Francisco wastewater. Region 9

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- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
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Message

From: Forsgren.Lee@epa.gov [Forsgren.Lee@epa.gov]
Sent: 9/26/2019 4:26:36 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: Re: 10:30 AM EPA Press Briefing Call

Call me

Sent from my iPhone

On Sep 26, 2019, at 9:21 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Deadline is asap. Ap is asking:

Question to clarify, please: The letter refers to “exceedances” under the Safe Drinking Water Act – i.e., “665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.” **Does this mean that these communities’ drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?**

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:08 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Risley, David <Risley.David@epa.gov>; Fuld, John <Fuld.John@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: FW: 10:30 AM EPA Press Briefing Call

Here is another one. He is working on story now, so he needs are response shortly.

Thanks,

Angela

From: Flesher, John <jflesher@ap.org>
Sent: Thursday, September 26, 2019 11:55 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

Question to clarify, please: The letter refers to “exceedances” under the Safe Drinking Water Act – i.e., “665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.” Does this mean that these communities’ drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

Thanks,

John Flesher
AP

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Thursday, September 26, 2019 10:25 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: 10:30 AM EPA Press Briefing Call

Good Morning,

Thank you for RSVP'ing for this morning's press briefing on a water quality announcement. Please see additional materials for this call attached and below.

Conference ID: Ex. 6 Personal Privacy (PP)
Press call-in number: Ex. 6 Personal Privacy (PP)
Time: 10:30 AM ET

EPA Administrator Wheeler calls out California's Environmental Protection Failure
State's homelessness crisis threatens human health and the environment

WASHINGTON – Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler**. “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state's recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator's letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources – which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act – San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

#

Andrea Woods

Deputy Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2010

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Message

From: Wehling, Carrie [Wehling.Carrie@epa.gov]
Sent: 9/26/2019 6:36:33 PM
To: Fotouhi, David [Fotouhi.David@epa.gov]
CC: Neugeboren, Steven [Neugeboren.Steven@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure
Attachments: 9.26.19_letter-epa.pdf

Ex. 5 AC/DP

Thanks.

Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Thursday, September 26, 2019 1:05 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

For your awareness. I was not previously aware of this.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, September 26, 2019 12:07 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: EPA Press Office <press@epa.gov>

Sent: Thursday, September 26, 2019 10:30 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

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federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

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To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 26, 2019

THE ADMINISTRATOR

The Honorable Gavin C. Newsom
1303 10th Street, Suite 1173
Sacramento, California 95814

Dear Governor Newsom:

The U.S. Environmental Protection Agency and California Environmental Protection Agency are responsible for working together to protect public health and the environment in your state. As a result of the authorization of state laws and the delegation of federal authority, California administers and implements the federal *Clean Water Act* and *Safe Drinking Water Act* among other federal programs.¹ Congress designed these statutory frameworks for the states to take the lead role in implementation, with the EPA overseeing state actions.

Based on data and reports, the EPA is concerned that California's implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs. The cost of this failure will be paid by those Californians exposed to unhealthy air and degraded water. The purpose of this letter is to outline the deficiencies that have led to significant public health concerns in California and to outline steps the state must take to address them. To ensure that appropriate steps are being taken to protect Californians, the EPA would like a remedial plan from the state detailing the steps it is taking to address the issues raised below.

The EPA is aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment. Indeed, press reports indicate that "piles of human feces" on sidewalks and streets in these cities are becoming all too common.² The EPA is concerned about the potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters.³ San

¹ The EPA first authorized California's base *Clean Water Act* program in 1973. The EPA subsequently approved the state to regulate discharges from federal facilities in 1978, administer the pretreatment program in 1989 and issue general permits in 1989. California also has received primacy to exercise *Safe Drinking Water Act* responsibilities in the state.

² See, e.g., Raphelson, Samantha. "San Francisco Squalor: City Streets Strewn With Trash, Needles And Human Feces." *NPR* (Aug. 1, 2018) available at <https://www.npr.org/2018/08/01/634626538/san-francisco-squalor-city-streets-strewn-with-trash-needles-and-human-feces> (last accessed Sept. 22, 2019).

³ Human waste from homeless populations is a recognized source of bacteria in water bodies. See American Society of Civil Engineers, "Pathogens in Urban Stormwater Systems" (Aug. 2014); "The California Microbial Source Identification Manual: A Tiered Approach to Identifying Fecal Pollution Sources to Beaches" (Dec. 2013); Tools for Tracking Human Fecal Pollution in Urban Storm Drains, Streams, and Beaches (Sept. 2012). These reports are

Francisco, Los Angeles and the state do not appear to be acting with urgency to mitigate the risks to human health and the environment that may result from the homelessness crisis. California is responsible for implementing appropriate municipal storm water management and waste treatment requirements as part of its assumed federal program. The state is failing to properly implement these programs.

San Francisco is also one of the few major cities with sewers that combine stormwater and sewage flows that is not under a federal consent decree to meet the requirements of federal law. The EPA is committed to helping the state address this problem. In fact, the EPA provided the San Francisco Public Utility Commission a loan of \$699 million under favorable terms pursuant to authority under the *Water Infrastructure Finance and Innovation Act* in July 2018 for biosolid digestors and other related projects. However, these projects will not bring the city into compliance. San Francisco must invest billions of dollars to modernize its sewer system to meet CWA standards, avoid dumping untreated and partially treated sewage into the San Francisco Bay and Pacific Ocean where it can wash up on beaches and keep raw sewage inside pipes instead of in homes and businesses.

Even more troubling is the City of San Francisco's years-long practice – allowed by CalEPA – of routinely discharging more than one billion gallons of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean on an annual basis. The CWA requires municipal sewage be treated to certain levels and to meet water quality standards. Nonetheless, although San Francisco's combined sewer outfalls discharge to sensitive waters, these discharges do not receive biological treatment. Instead, San Francisco's combined sewer overflows are designed to remove floatables and settleable solids only and do not always achieve even that low level of treatment. These discharges may be contributing to the state's failure to meet water quality standards. By failing to maintain its sewer infrastructure, the city allowed raw sewage to back up into homes and businesses.

Overall, significant deficiencies are present, and the state has not acted with a sense of urgency to abate this public health and environmental problem. Among the other issues identified, the state's years-long approval of the discharges referenced above under its authorized CWA program raises serious questions as to whether it is administering a program consistent with federal law.⁴ The city's practices endanger public health, and the EPA is prepared to take the necessary steps to ensure CWA compliance. Given the magnitude of the issues, I have asked EPA staff to consider all options available to bring the city into compliance.

The state's lack of action in response to the homelessness crisis and San Francisco's discharges of inadequately treated sewage prompted the EPA to review other programs

available on the website for the San Francisco Bay Beaches Bacteria TMDL *available at* https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/SFbaybeachesbacteria.html (last accessed September 22, 2019).

⁴ The EPA's current data also indicates that 15 major Publicly Owned Treatment Works are in significant noncompliance and 11 non-major POTWs are currently in significant noncompliance. These data are publicly available. See U.S. EPA, Enforcement and Compliance History Online water facility public search tool (<https://echo.epa.gov/facilities/facility-search?mediaSelected=cwa>).

administered by CalEPA for similar concerns. What we discovered after a preliminary review suggests the need for more formal and in-depth EPA oversight. For example, we are aware of numerous exceedances of state-issued National Pollutant Discharge Elimination System permits under section 402 of the CWA. Just in this past quarter, we identified 23 significant instances of discharges into waters of the United States in exceedance of permit limits. By way of example, the City of Los Angeles exceeded its permit limit for Indeno[1,2,3-cd]pyrene (a contaminant which is reasonably anticipated to be a human carcinogen) by 442 percent; the University of Southern California exceeded its permit limit for copper (a metal which can adversely affect human health and the health of aquatic life) by 420 percent; and Sanitary District Number 5 of Marin County exceeded its permit limit for total cyanide by 5,194 percent. These are serious matters that warrant a strong review by California.

California has the resources to address these problems. Apart from the state's significant tax base, California received more than \$1.16 billion of federal funds to implement CWA programs just in the last five years, including \$253.5 million in FY2018 and \$247 million in FY2019. In addition, California received more than \$152 million in categorical grants over this time to improve compliance with the CWA.

The EPA also has concerns about CalEPA's administration and oversight of SDWA programs and public water systems within the state. Indeed, we are aware of numerous recent health-based exceedances: in just the most recent reporting quarter of 2019, California had 202 Community Water Systems with 665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk. These exceedances include:

- 67 systems with 194 serious health-based exceedances of arsenic levels, impacting more than 101,000 residents;
- 210 lead action level exceedances in just the most recent 3-year interval at 168 PWSs, impacting more than 10,000 residents;
- two systems with serious Ground Water Rule⁵ compliance issues,⁶ impacting more than 250,000 residents;
- 44 systems with 154 exceedances of the Stage 1 and 2 disinfection byproduct regulations, impacting almost 255,000 residents; and
- 25 systems with 69 violations of radiological standards, impacting almost 12,000 residents.

These exceedances call into question the state's ability to protect the public and administer its SDWA programs in a manner consistent with federal requirements.

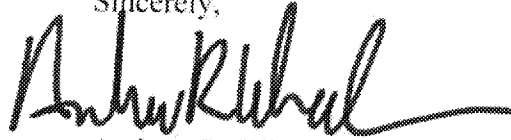
Under this Administration, the EPA stands ready to assist California and CalEPA to protect the health and environment of Californians. However, it is time for the state to act decisively under

⁵ The 2006 Ground Water Rule is a National Primary Drinking Water Regulation under the SDWA aimed at providing increased protection against microbial pathogens in public water systems that use ground water sources. See 71 FR 65574.

⁶ These health-based concerns are associated with unaddressed "significant deficiencies" identified via an audit of the system, called a "sanitary survey," and include, for example, an opening through which bacteria could enter a well head that the system has not repaired.

its authorities to address the problems identified in this letter. For each of the delegated or assumed programs discussed in this letter, I request a written response within 30 days outlining in detail how California intends to address the concerns and violations identified herein. This response should include a demonstration that the state has the adequate authority and capability to address these issues and specific anticipated milestones for correcting these problems. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler

Message

Sent: 10/3/2019 4:09:37 PM
To: Hull, George [Hull.George@epa.gov]
CC: Wells, Kimberly [wells.kimberly@epa.gov]
Subject: RE: URGENT: inquiry from LA Times

George,

Bill Glenn
Acting Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: Wells, Kimberly <wells.kimberly@epa.gov>
Sent: Thursday, October 3, 2019 9:05 AM
To: Glenn, William <Glenn.William@epa.gov>
Subject: FW: URGENT: inquiry from LA Times

FYI

Kimberly Wells
Attorney Advisor
Office of Regional Counsel
U.S. EPA Region 9
75 Hawthorne Street, 12th Floor
San Francisco, CA 94105
(415) 972-3056

This email, including attachments, may contain information that is confidential and/or protected by the Attorney-Client or other privileges.

From: Rae, Sarah <Rae.Sarah@epa.gov>
Sent: Thursday, October 3, 2019 8:54 AM
To: Wells, Kimberly <wells.kimberly@epa.gov>
Subject: FW: URGENT: inquiry from LA Times

Kimby- FYI. In case you haven't seen this press inquiry.

Sarah Rae
Attorney-Adviser
United States Environmental Protection Agency
OECA - OCE - Water Enforcement Division
WJC South 3110B (Mail Code 2243-A)
1200 Pennsylvania Avenue NW
Washington, DC 20004
(202) 564-2841 (FAX 202-564-0018)
Rae.Sarah@epa.gov

From: Denton, Loren <Denton.Loren@epa.gov>
Sent: Thursday, October 03, 2019 11:28 AM
To: Zimny, James <zimny.james@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>
Subject: Fwd: URGENT: inquiry from LA Times

We probably need to help with last two questions, but I would suspect R9 is on it.

Sent from my iPhone

Begin forwarded message:

From: "Hull, George" <Hull.George@epa.gov>
Date: October 3, 2019 at 10:36:28 AM EDT
To: "Theis, Joseph" <Theis.Joseph@epa.gov>
Cc: "Rae, Sarah" <Rae.Sarah@epa.gov>, "Denton, Loren" <Denton.Loren@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Subject: RE: URGENT: inquiry from LA Times

Joe,

The link is working for me. Here it is again, in case it was accidentally corrupted in my earlier email:
<https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>

I spoke with Susan about the responses. She agreed that it was appropriate for OW to answer the permitting questions. I called my counterpart in OW and told her about Susan's recommendation. Also, Susan is going to send me responses to the other questions. - George

From: Hull, George
Sent: Wednesday, October 02, 2019 9:00 PM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: URGENT: inquiry from LA Times

Mark, Loren, Joe and Carol,

OPA has sent us the inquiry below from E&E News. Region 9 suggested that OECA and OW may be better positioned to respond. The reporter is asking for our response by 11:00 am tomorrow morning. Let's discuss in the morning. - George

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?

- Why hasn't EPA signed off on the Oceanside permit?
- Who at EPA is reviewing the permit? Is this issue still at Region 9 or has it been transferred to headquarters?
- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.
- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Sent from my iPhone

Message

Sent: 9/26/2019 7:09:59 PM
Subject: letter

Hi Pilar,

Here's that information.

Bill

Bill Glenn
Acting Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

"California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations," **said EPA Administrator Andrew Wheeler**. "If California does not step up to its delegated responsibilities, then EPA will be forced to take action."

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from

pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state's recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator's letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

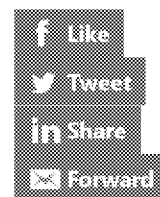
For more information about EPA's clean water programs, click [here](#).

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

[Unsubscribe](#)



From: Ted Goldberg <tgoldberg@KQED.org>
Sent: Thursday, September 26, 2019 10:45 AM
To: Jones, Enesta <Jones.Enesta@epa.gov>
Cc: Press <Press@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: RE: KQED Follow Up

It looks like the EPA sent a letter on this issue to California today.
Can you pass that letter to me?

From: Jones, Enesta <Jones.Enesta@epa.gov>
Sent: Monday, September 23, 2019 10:05 AM
To: Ted Goldberg <tgoldberg@KQED.org>
Cc: Press <Press@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: Re: KQED Follow Up

Hi Ted,

Nothing additional to share at this time.

On Sep 23, 2019, at 12:47 PM, Ted Goldberg <tgoldberg@kqed.org> wrote:

Ernesta:

My name is Ted Goldberg and I'm an editor at KQED in San Francisco.

Hope you're well.

My colleague, Peter Jon Shuler, reached out to you last week about President Trump's remarks that the EPA will be "putting out a notice" of violations in San Francisco related to the city's homeless problem.

Your response – that EPA does not comment on potential enforcement actions – attributing an EPA spokesperson – was included in our reporting. Thank you for your response.

We also reached out to local and state regulators and city officials and they all said they couldn't find evidence that needles and other waste from San Francisco's homeless population were flowing through storm drains into the ocean. These included agencies that are responsible for investigating these types of things.

And, often EPA will coordinate with these agencies when tracking environmental problems. In this case that didn't happen.

Without commenting on any potential enforcement action, can you pass along any information related to EPA's scrutiny of this issue in general?

And, given that the president discussed a potential enforcement action in this case, it appears that the agency's rules on discussing such cases were broken, which would indicate that you can indeed discuss them.

Can you shed any light on all of this?

Can you confirm that there is no investigation and that EPA does not plan on issuing a notice of violation to San Francisco for this?

I'm working on a 5pm PST deadline.

Thanks,

Ted
KQED
415-553-8450

Message

Sent: 10/2/2019 11:43:56 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]; Hull, George [Hull.George@epa.gov]
CC: Egan, Patrick [egan.patrick@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Fuld, John [Fuld.John@epa.gov]; Risley, David [Risley.David@epa.gov]; Magnan, Eric [Magnan.Eric@epa.gov]
Subject: RE: San Francisco Wastewater--E&E News

Bill Glenn
Acting Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 2, 2019 4:38 PM
To: Hull, George <Hull.George@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Fuld, John <Fuld.John@epa.gov>; Risley, David <Risley.David@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: Re: San Francisco Wastewater--E&E News

Thanks George. Looping in Bill.

Thanks everyone for your help on this one.

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

On Oct 2, 2019, at 7:33 PM, Hull, George <Hull.George@epa.gov> wrote:

Angela,
I'll send now to our Water Enforcement Division, but I suspect Region 9 may be the closest to the answers. - George

Sent from my iPhone

On Oct 2, 2019, at 6:13 PM, Hackel, Angela <Hackel.Angela@epa.gov> wrote:

Just received the below follow up question.

Thanks!

Angela
Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: 202.763.3945

Begin forwarded message:

From: Ariel Wittenberg <awittenberg@eenews.net>
Date: October 2, 2019 at 6:10:48 PM EDT
To: "Hackel, Angela" <Hackel.Angela@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: San Francisco Wastewater--E&E News

Thanks, Angela. I have one more question to add here:

- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Thanks again,

Ariel

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 02, 2019 5:54 PM
To: Ariel Wittenberg <awittenberg@eenews.net>
Cc: Press <Press@epa.gov>
Subject: San Francisco Wastewater--E&E News

Hi Ariel,

I am working on your inquiry for you. I will get back to you as soon as I am able.

Thanks,

Angela

From: awittenberg@eenews.net <awittenberg@eenews.net>
Sent: Wednesday, October 2, 2019 5:33 PM
To: Press <Press@epa.gov>
Subject: San Francisco Wastewater--E&E News

Hi Everyone,

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background

press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
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- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.

I'm writing for our Greenwire edition tomorrow, so my deadline is 11:30 AM.

Thanks,

Ariel

Ariel Wittenberg
E&E News reporter
awittenberg@eenews.net
202-737-4557
[@arielwittenberg](https://twitter.com/arielwittenberg)

E&E NEWS

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

Message

Sent: 9/27/2019 6:13:39 PM
To: Smith, DavidW [Smith.DavidW@epa.gov]
CC: Brush, Jason [Brush.Jason@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]; Gullatt, Kristin [Gullatt.Kristin@epa.gov]; Wysocki, Kenneth C. [wysocki.kenneth@epa.gov]; Blake, Ellen [Blake.Ellen@epa.gov]
Subject: RE: Call from Reporter

Thanks for making me aware of this – a couple of our senior managers have also gotten calls. I'll be checking in with Debbie for her input on outreach to staff. The simple message would be a reminder that whenever staff receive calls or emails from reporters, our protocol is always to direct the reporter or forward the message to me (or one of our press officers).

Bill Glenn
Acting Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: Smith, DavidW <Smith.DavidW@epa.gov>
Sent: Friday, September 27, 2019 9:42 AM
To: Glenn, William <Glenn.William@epa.gov>
Cc: Brush, Jason <Brush.Jason@epa.gov>; Torres, Tomas <Torres.Tomas@epa.gov>; Gullatt, Kristin <Gullatt.Kristin@epa.gov>; Wysocki, Kenneth C. <wysocki.kenneth@epa.gov>; Blake, Ellen <Blake.Ellen@epa.gov>
Subject: FW: Call from Reporter
Importance: High

Hey Bill- Just wanted you to be aware that one of our staff got a call today from an E&E reporter about the Wheeler letter. She declined to comment. Suggest that the sooner we put out a generic TP for staff who did not make the all hands yesterday, the better.

Thanks

Jason, thanks for bringing to my attention.

From: Brush, Jason <Brush.Jason@epa.gov>
Sent: Friday, September 27, 2019 9:39 AM
To: Angeles, Danielle <Angeles.Danielle@epa.gov>; Eastman, Tiffany (AKA: Stone) <Eastman.Tiffany@epa.gov>; Hall, Robert K. <Hall.RobertK@epa.gov>; Kahan, Howard <Kahan.Howard@epa.gov>; Marr, Suzanne <Marr.Suzanne@epa.gov>; Maurin, Lawrence (On IPA to CNMI) <Maurin.Lawrence@epa.gov>; Pinkerton, Kate <Pinkerton.Kate@epa.gov>; Sockabasin, Nancy <Sockabasin.Nancy@epa.gov>; Vanegas, Loretta <Vanegas.Loretta@epa.gov>
Cc: Gullatt, Kristin <Gullatt.Kristin@epa.gov>; Smith, DavidW <Smith.DavidW@epa.gov>
Subject: FW: Call from Reporter
Importance: High

Good morning everyone,

For those of you who may not have been able to attend the impromptu all-hands yesterday, I wanted everyone to be aware of the potential for incoming calls from the press related to a letter the Administrator sent to Governor Newsom

about widespread perceived water program failures in CA. Kate got a call from E&E, so I think reporters are casting a very wide net trying to get ahold of any staff they can for a statement.

Please refer all questions on this matter to OPA's Bill Glenn. In the rare instance you might be absolutely cornered, please simply reaffirm that this is a matter being handled at the highest levels of the agency and not something you have information on.

Please give me or anyone on the management team a call if you have concerns or questions.

Thanks - Jason

Jason A. Brush
Supervisor, Tribal Clean Water Section
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (WTR-3-1)
San Francisco, CA 94105
~~~~~  
**desk: 415.972.3483**  
~~~~~

From: Pinkerton, Kate <Pinkerton.Kate@epa.gov>
Sent: Friday, September 27, 2019 9:19 AM
To: Brush, Jason <Brush.Jason@epa.gov>
Subject: Call from Reporter
Importance: High

Hi Jason,

FYI I just got a call from a reporter at E&E news saying that they wanted to speak to Region 9 EPA employees so I am guessing more people will get a call. I declined to talk. It seems like something OPA or at least managers should be aware of?

Kate Pinkerton
US EPA, Region 9
Tribal Water Section, WTR-3-1
75 Hawthorne Street
San Francisco, CA 94105
Email: pinkerton.kate@epa.gov
Phone: (415) 972-3662
[EPA Region 9 CWA Tribal Grants Website](#)

Message

From: Dibble, Christine [Dibble.Christine@epa.gov]
Sent: 9/26/2019 3:31:31 PM
To: Glenn, William [Glenn.William@epa.gov]
Subject: Fwd: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Sorry to bitch and moan, but this is a joke! I can't believe we are putting this out with a straight face. This is

Ex. 6 Personal Privacy (PP)

Christine Dibble
Senior Web Content Strategist
Office of Web Communications
U.S. Environmental Protection Agency
Mail Code 1701A
Washington, D.C. 20460
dibble.christine@epa.gov
ph: 202-564-9147

Begin forwarded message:

From: "EPA Press Office" <press@epa.gov>
Date: September 26, 2019 at 10:30:15 AM EDT
To: "Dibble.Christine@epa.gov" <Dibble.Christine@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure
Reply-To: press@epa.gov



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler.** “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state’s recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator’s letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state’s years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA’s clean water programs, click [here](#).

<!--[if !mso]>[Visit The EPA's Newsroom](#)<!--[endif]>



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Adamic, Denise [Adamic.Denise@epa.gov]
Sent: 9/27/2019 3:08:15 PM
To: PerezSullivan, Margot [PerezSullivan.Margot@epa.gov]
CC: Glenn, William [Glenn.William@epa.gov]
Subject: RE: Questions: End of Day – September 26, 2019

You bet.

Call when you're ready: 415-972-3061

- Denise Adamic, Press Officer, U.S. EPA Region 9

From: PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>
Sent: Friday, September 27, 2019 7:59 AM
To: Adamic, Denise <Adamic.Denise@epa.gov>
Cc: Glenn, William <Glenn.William@epa.gov>
Subject: Re: Questions: End of Day – September 26, 2019

Hi Denise! I should be up and fully caffeinated in about an hour. Let's have a call at 9 and I can explain.

Also, if you're not too busy, I haven't been able to pull coverage from this week's releases. I usually do a google news search. Is that something you think you could do? Spoiler alert: you might not find anything. Talk soon!

Margot Perez-Sullivan
U.S. Environmental Protection Agency
D: 415.947.4149
C: Ex. 6 Personal Privacy (PP)
E: perezsullivan.margot@epa.gov

On Sep 27, 2019, at 7:50 AM, Adamic, Denise <Adamic.Denise@epa.gov> wrote:

Good morning and Happy Friday –

Can you answer a few questions highlighted below?

BTW, if you have any news releases today (or the next few days) approved and ready to send, I'd be happy to post on the website – I could use the practice. Just let me know.

Thanks!

- Denise Adamic, Press Officer, U.S. EPA Region 9

KQED (Ted Goldberg) [Received 9/26] – CLOSED – Reporter requested information on Administrator's letter to Gov. Newsom. Referred to HQ. WTR, CA, Bill Glenn

Telemundo (Pilar Nino) [Received 9/26] – CLOSED – Reporter requested interview on Administrator's letter to Gov. Newsom. Declined interview, sent press release with link to letter. WTR, CA, Bill Glenn

E&E News (Maxine Joselow) [Received 9/26] – CLOSED – Reporter called a senior staffer regarding previous knowledge of Administrator's letter to CARB chair Mary Nichols. Referred to HQ. AIR, CA, Bill Glenn

E&E News (Mike Shogrun) [Received 9/26] – CLOSED – Reporter sent copy of letter sent to HQ regarding Bissell enforcement action. Sent copy of Bissell CAFO to reporter and referred follow-up on the letter to HQ. ECAD, SoCal, Margot Perez-Sullivan *Q: Are CAFOs publicly available (if so, where) or do we only share when requested by media/public?*

KUNR (Kathleen Masterson) [Received 9/26] – OPEN – Reporter working on a podcast about Anaconda mine and groundwater acidification from mining; reporter states she is going on a tour next week. Forwarded to NDEP to determine if they are also working with reporter. Waiting to hear back; spoke to RPM and am looping in hydrogeologist and mining expert to determine best point of contact. SFD, NV, Margot Perez-Sullivan

Q: Is NDEP the Nevada Department of Environmental Protection. If so, are you working with their press office?

Congressional Quarterly (Mark Bocchetti) [Received 9/26] – CLOSED – Reporter requested a copy of Tijuana River study. Coordinated with program, sent PDF of study from NADBank website. WTR/TIP, SoCal, Margot Perez-Sullivan

Desert Sun (Nicole Hayden) [Received 9/25] – OPEN – Reporter has questions on Oasis Mobile Home Park order. Waiting on approved responses. ECAD, SoCal, Margot Perez-Sullivan *Q: Will you please share these with me so I can see our SOP in action, and learn the issue?*

LA Times (Harriet Ryan) [Received 9/13] – OPEN – Reporter has questions on cars imported by specific high-net-worth individuals that do not meet emission standards and have received a waiver from EPA. Coordinating with Air, OAR and OTAQ. Provided preliminary information to reporter. Got information from HQ, called reporter to relay information, waiting to hear back. Air, SoCal, Margot Perez-Sullivan

Freelancer Will Ford (New Yorker) [Received 8/5] – OPEN – Reporter attended early August NECR meeting. He will have formal questions later (after his contract with magazine is in place) and is interested in government's relocation rules. Reporter sent follow-up information. SFD, Navajo, Margot Perez-Sullivan

WEB & SOCIAL MEDIA

Social Media:

Emergency Preparedness – Posted to our [Facebook](#) and [Twitter](#) pages about our solicitation of research proposals and linked to our [Research Grants - Contaminated Sites, Natural Disasters, Changing Environmental Conditions and Vulnerable Communities: Research to Build Resilience](#) web area.

Web Updates:

Tribes/Drinking Water – Published the new funding announcement in our [EPA Pacific Southwest Drinking Water Tribal Set-Aside Program](#) web area.

Regional Counsel – Published job opening announcements in our [Positions in the Office of Regional Counsel in San Francisco](#) web area.

Air State Implementation Plans – Published the [Public Notice: Direct Final Rule; California SIP Revision; South Coast AQMD; Federal PM2.5 New Source Review Program](#) and [Public Notice: Proposed Approval; California SIP Revision; South Coast AQMD; Federal PM2.5 New Source Review Program](#) earlier this week.

9online Updates:

News this Week – Highlighted the latest feature story about the Kwajalein Atoll dump removal, flu shots, mandatory training and digital W2 Forms.

CONGRESSIONAL & INTERGOVERNMENTAL

FY 2020 Budget Update: The Senate today sent the President a stopgap spending bill (CR) that would avert a government shutdown when the new fiscal year begins next week. The continuing resolution passed 82-15, with only conservative Republicans opposing it. The White House has said President Trump will sign the CR, which would fund the government at current levels through November 21. Congress needed to pass the legislation because it has yet to finalize any of its 12 spending bills. The House has cleared 10 of its 12 bills in largely partisan votes, while the Senate has failed to move any and has become bogged down in fights over funding allocations and controversial riders. The CR now gives House and Senate lawmakers about seven weeks to negotiate an omnibus spending bill to provide new fiscal 2020 spending. Senate Appropriations Chairman Richard Shelby (R-Ala.) said today he expects negotiations to wrap as many as six bills into a single omnibus, with other agencies likely to face another CR. Those include the Energy-Water and Commerce-Justice-Science measures. It's not clear whether the Interior-EPA bill would make that cut. – E&E News PM

Rep. Raul Ruiz (D-CA-36): Brent Maier received a request today from Austin Yager in the Congressman's DC Office regarding the Congressman's interest in setting up a call with Regional Administrator Mike Stoker as soon as tomorrow, September 27, or on Monday, September 30, to discuss some ongoing environmental issues with the Torres Martinez Reservation, including some air issues involving a recycling center burning agricultural waste and EPA's recent order to the Oasis Mobile Home Park for arsenic/drinking water issues. Following a discussion with Amy Miller and Steven Leonido-John, Brent has reached out to the Congressman's District Scheduler Alexander Strizak to see about setting up a call with Regional Administrator Mike Stoker to discuss the agricultural burning issue at the recycling center and the Oasis Mobile Home Park arsenic drinking water issue on the Torres Martinez Reservation. We have identified two times on Tuesday, October 1, 2019, in which both RA Stoker and Amy Miller, Director of our Enforcement and Compliance Division, would be available for a call with the Congressman: 9:00am – 10:00am or later that same day at 2:30pm. Awaiting word back from the Congressman's District Scheduler to see if we can confirm a call. (S. CA – ENF/TIP)

Rep. Tom O'Halleran (D-AZ-1): OCIR's Carolyn Levine mentioned a new incoming letter from Congressman Tom O'Halleran requesting to meet with OLEM Assistant Administrator Peter Wright. This request will be handled in HQ, but Carolyn shared with Brent Maier to pass along to Region 9 Senior Management's Team. No Region 9 action is requested. A copy of the letter is available upon request. (AZ – SFD)

Environmental Council of States (ECOS) Meeting: ECOS' fall meeting runs September 25 – 27 in Seattle, WA, and features top state and EPA officials, including acting air chief Anne Idsal, who will speak on the contentious Affordable Clean Energy climate rule for power plants, and Assistant Deputy Administrator Henry Darwin, architect of the agency's shift to "Lean" management.

Upcoming Congressional Meetings/Calls, Hearings, Intergovernmental Meetings and Events:

Monday, October 7, 2019 - Senate Committee on Indian Affairs: The Chairman of the Committee sent a letter to EPA Administrator Andrew Wheeler inviting the Agency to participate in an upcoming field hearing on October 7, 2019, in Albuquerque, New Mexico, on the subject of "America's Nuclear Past: Examining the Effects of Radiation in Indian Country". Region 6's David Gray will be testifying at the hearing; Region 9's Superfund Division is working on a first draft of the testimony. A copy of the incoming letter to Administrator Wheeler is available upon request. (NM – SFD)

Message

From: Glenn, William [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E9F7C03E151E475D9A656C21FD6FE4BB-WGLENN]
Sent: 9/26/2019 7:13:11 PM
To: pilar.nino@nbcuni.com
Subject: EPA letter to Gov. Newsom

Hi Pilar,

Here's that information.

Bill

Bill Glenn
Acting Director
Office of Public Affairs
U.S. EPA, Pacific Southwest
glenn.william@epa.gov / (415) 947-4254

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

"California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations," **said EPA Administrator Andrew Wheeler**. "If California does not step up to its delegated responsibilities, then EPA will be forced to take action."

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state's recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator's letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

Visit The EPA's Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

[Unsubscribe](#)



Message

From: Grantham.Nancy@epa.gov [Grantham.Nancy@epa.gov]
Sent: 9/26/2019 2:44:58 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: Fwd: Newsroom: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Sent from my iPhone

Begin forwarded message:

From: "Hackel, Angela" <Hackel.Angela@epa.gov>
Date: September 26, 2019 at 10:44:15 AM EDT
To: Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>, Press <Press@epa.gov>, Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>, AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>, AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>, AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>, AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
Subject: Newsroom: EPA Administrator Wheeler calls out California's Environmental Protection Failure

In the newsroom: <https://www.epa.gov/newsreleases/epa-administrator-wheeler-calls-out-californias-environmental-protection-failure>.

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

xxxxxxxxxxxxxxxxxxxxxxxx

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

"California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations," **said EPA Administrator Andrew**

Wheeler. “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state’s recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator’s letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

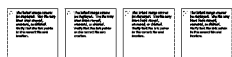
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California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA’s clean water programs, click [here](#).

Visit The EPA's Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Grantham.Nancy@epa.gov [Grantham.Nancy@epa.gov]
Sent: 9/26/2019 1:12:14 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: Re: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

Will send - need a link ASAP thx ng

Sent from my iPhone

On Sep 26, 2019, at 9:10 AM, Dennis, Allison <Dennis.Allison@epa.gov> wrote:

Can you send me the original file or should I download from wapo website ?

Sent from my iPhone

On Sep 26, 2019, at 8:31 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Need to get this letter posted by 10:30 a.m. - please let me know when you are in thanks ng

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, September 26, 2019 8:30 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

https://www.washingtonpost.com/climate-environment/epa-tells-california-it-is-failing-to-meet-its-obligations-to-stem-water-pollution/2019/09/26/b3ffca1e-dfac-11e9-8dc8-498eabc129a0_story.html

Climate and Environment

EPA tells California it is 'failing to meet its obligations' to protect the environment

<image001.jpg>

Traffic moves across the Richmond-San Rafael Bridge on Sept. 17 in Mill Valley, Calif. (Justin Sullivan/Getty Images)

By [Juliet Eilperin](#) ,

September 26 at 8:00 AM

Trump officials will notify California Gov. Gavin Newsom (D) on Thursday that the state is “failing to meet its obligations” to protect the environment, just days after the president mocked its biggest cities for their “tremendous pollution.”

The unusual move by the Environmental Protection Agency ratchets up the Trump administration’s ongoing battle against the nation’s largest state, a multi-pronged assault that Newsom has described as “weaponizing” the federal government. The fight extends from immigration to environmental policy and involves agencies ranging from the Justice Department to the Department of Homeland Security and EPA.

In an oversight letter, EPA Administrator Andrew Wheeler cites multiple instances of California failing to meet federal water-quality standards, attributing this in part to the state’s homelessness problem.

“The agency is aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment,” wrote Wheeler, who gave Newsom 30 days to respond. “Based upon data and reports, the agency is concerned that California’s implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs.”

In recent weeks, Newsom and other top California officials have denounced Trump for targeting the state on several fronts. In the past month alone, the administration has moved to revoke the state’s long-standing right to limit air pollution from cars, began investigating an agreement with four automakers for possible antitrust violations and threatened to withhold federal highway funds if California does not do more to clean up its air.

California has emerged as one of the Democrats’ most potent counterweights to the White House in the Trump era, advancing liberal priorities on everything from climate change to abortion rights. Its attorney general, Xavier Becerra, has sued the administration 62 times in federal court, blocking policies such as the White House plan to end protections for young immigrants who were brought to the United States illegally by their parents.



President Trump talks with then-Gov.-elect Gavin Newsom, left, on Nov. 17, 2018, as California Gov. Jerry Brown listens during a visit to a neighborhood impacted by the wildfires in Paradise. (Evan Vucci/AP)

Speaking to reporters Tuesday in New York City, Newsom said California is promoting a shift to clean energy that threatens Trump's embrace of fossil fuels. In response, Trump and his deputies have started to retaliate, he said, by probing the state's deal with automakers to build cleaner cars and taking away its right to curb tailpipe emissions.

"That paradigm is now challenged by an EPA that's been weaponized by the Trump administration," Newsom said, adding that his state and others are still pressing ahead. "They're losing; states are winning."

EPA officials said the notice to California reflects the agency's broad policy priorities, rather than an attempt to single out the state. But while California has significant amounts of air and water pollution, so do other states.

Last year, the EPA estimated that 3,508 community water systems were out of compliance with health-based standards. In its oversight letter, the agency cited 202 water systems in California that have recently reported drinking water problems. The state has 82 areas that don't meet air standards for six pollutants, and most of its plans to clean them up are still not approved by the EPA. But about three dozen other states also had counties that did not meet those national benchmarks.

Newsom, who said Tuesday that the EPA was engaging in "pure retaliation," has made no secret of his opposition to the White House. This spring, he said, "I also see my role as not just the center of the resistance, but a positive alternative to Trump and Trumpism."

Trump, for his part, has routinely criticized California officials for failing to protect their citizens from a range of threats, including wildfires and criminal acts by those in the country illegally.

At times, the president and Newsom have hurled insults at each other via Twitter. Just last week, Trump blasted California's environmental record as he flew back from the state to Washington on Air Force One.

"There's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean," he told reporters. "You know, there are needles, there are other things."

"It's a terrible situation that's in Los Angeles and in San Francisco," he added. "And we're going to be giving San Francisco — they're in total violation — we're going to be giving them a notice very soon."

San Francisco officials reject the idea that they have failed to capture objects such as needles because they send sewage and street runoff to the same pipes. This combined discharge is treated at one of the city's sewage treatment plants, where pollutants are captured or treated before being released to the San Francisco Bay or the Pacific Ocean.

"We have our challenges in San Francisco around homelessness," San Francisco Mayor London Breed's communications director, Jeff Cretan, said in response to Trump's comments aboard Air Force One. "But in terms of needles flowing into the bay, it's absolutely ridiculous."

[From plastic straws to discarded syringes, San Francisco's complex problems]

After Trump declared last week that the EPA would put California on notice, officials were unsure what statutes would be used to do so, and there was no specific plan in place, according to two White House officials who spoke on the condition of anonymity to discuss internal deliberations.

Trump regularly brings up California's homelessness problems in meetings, telling aides that the government needs to highlight what he sees as bad, liberal governance — and to step in.

But that fixation does not extend nearly as much to other cities, such as New York. Homelessness in California has been featured on Trump's preferred cable news network, Fox News, with 10 segments in August alone.

Earlier this month, officials from several agencies, including the EPA, traveled to Los Angeles to examine homelessness and visited spots such as skid row. And some administration officials have said they believe homeless people in California are even spreading leprosy, according to current and former White House officials.

But last week, the administration rejected a request from California officials for more federal funds to expand programs aimed at addressing the problem.

[Trump officials tour FAA facility in California to possibly house homeless]

Harmeet K. Dhillon, the national co-chair for Women for Trump, said the president does not hold a particular animus toward the state, even though he could.

“It is a state that has sued him 60 times,” said Dhillon, who spent time with Trump during his California visit last week and said she welcomes his attention. “I think the president shows remarkable good humor and grace when California has its hand out for support of fires or whatever the state needs.”

“I don’t think the president wants to take over these issues,” she said of homelessness or environmental issues, but added, “It is appropriate for the federal government to have scrutiny on California.”



Tents and tarps erected by homeless people are seen along sidewalks in the skid row area of downtown Los Angeles on June 28. (Patrick T. Fallon/Reuters)

Earlier this week, EPA officials suggested California authorities are doing an inadequate job of curbing air and water pollution and ranked the state toward the bottom in the nation. On Monday, Wheeler notified the California Air Resources Board that it risks losing billions in highway funding if it did not offer updated plans on how it plans to meet federal health-based standards for soot, smog and other pollutants.

Since Trump took office, EPA leaders have emphasized that they hope to improve water quality across the United States, identifying it as a priority in a long-term strategic plan last year. “Many communities need to improve and maintain both drinking water and wastewater infrastructure and develop the capacity to comply with new and existing standards,” the agency wrote.

The agency set a goal of reducing the number of community water systems out of compliance from over 3,500 to 2,700 by Sept. 30, 2022.

While the EPA routinely forges consent decrees with state and local governments to address sewer and stormwater issues, it is rare for the agency to send an oversight letter suggesting that state officials are failing to enforce federal pollution standards on a broad scale.

This is the first letter of its kind that the Trump administration has sent out, EPA officials said. They pointed to a similar letter sent to Wisconsin in 2011 under the Obama administration, which identified numerous deficiencies in the way the state managed water pollution problems. That 26-page letter gave the state three months to reply and came after half a dozen meetings and calls with state officials.

San Francisco is one of the few major cities with sewers that combine stormwater and sewage flows that is not operating under a federal consent decree.

Drawing on public databases and press reports — including a NPR report in August that “piles of human feces” are now visible on sidewalks and streets in San Francisco — Wheeler noted that even California’s own government has posted studies noting that human waste can increase bacteria levels in water off its beaches.

He detailed a litany of federal water quality violations across the state, saying California “has not acted with a sense of urgency to abate this public health and environmental problems.”

The examples include a “years-long practice” of San Francisco routinely discharging more than a billion gallons of combined sewage and stormwater annually into San Francisco Bay and the Pacific Ocean without treating it for biological contaminants.

In addition, the letter says during the most recent reporting quarter, more than 200 water systems across the state reported 665 instances of exceeding health-based levels of arsenic and other regulated contaminants.

“These exceedances call into question the state’s ability to protect the public and administer its [Safe Drinking Water Act] programs in a manner consistent with federal requirements,” the letter states.

San Francisco is currently spending billions to upgrade its aging infrastructure, including \$4.8 billion to improve regional and local water systems that 2.7 million use. It has also launched a 20-year, multibillion-dollar sewer system upgrade.

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)

Ex. 6 Personal Privacy (PP)

(cell)
grantham.nancy@epa.gov

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 9/26/2019 2:36:08 PM
To: Press [Press@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Posting now.

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

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administrator's letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

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California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

Visit The EPA's Newsroom



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 10/3/2019 4:00:16 PM
To: awittenberg@eenews.net
CC: Press [Press@epa.gov]
Subject: Time Sensitive: E&E News Inquiry
Attachments: SFPUC Letter.pdf

Hi Ariel,

Below is our response and attached is the September 9th letter.

Attributable to an EPA Spokesperson

The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State about their implementation of the Clean Water Act and the Safe Drinking Water Act. EPA Region 9 issued a Notice of Violation on October 2 to the San Francisco Public Utilities Commission, a regulated entity, about Clean Water Act violations identified by EPA through inspections and field visits in 2015 and 2016, and subsequently gathered information, such as monitoring data. As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks. For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean. Oversight of State program implementation and oversight of regulated entities are separate issues. EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance. EPA retains its enforcement authority in authorized states and can act if needed. Renewal of a permit that authorizes discharges and violations of that permit also are separate issues. On September 9, 2019, the San Francisco Public Utilities Commission elevated its concerns about the draft permit renewal to the Region 9 Regional Administrator. The concerns articulated in that letter included the Commission's interpretation of the 1994 Combined Sewer Overflow Policy and an objection to permit terms requiring compliance with water quality standards. Those issues implicate matters of national consistency and are under review by EPA.

The September 9 letter is attached.

Thanks,

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

On Oct 2, 2019, at 6:10 PM, Ariel Wittenberg <awittenberg@eenews.net> wrote:

Thanks, Angela. I have one more question to add here:

- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Thanks again,

Ariel

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 02, 2019 5:54 PM
To: Ariel Wittenberg <awittenberg@eenews.net>
Cc: Press <Press@epa.gov>
Subject: San Francisco Wastewater--E&E News

Hi Ariel,

I am working on your inquiry for you. I will get back to you as soon as I am able.

Thanks,

Angela

From: awittenberg@eenews.net <awittenberg@eenews.net>
Sent: Wednesday, October 2, 2019 5:33 PM
To: Press <Press@epa.gov>
Subject: San Francisco Wastewater--E&E News

Hi Everyone,

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
- Why hasn't EPA signed off on the Oceanside permit?
- Who at EPA is reviewing the permit? Is this issue still at Region 9 or has it been transferred to headquarters?
- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.

I'm writing for our Greenwire edition tomorrow, so my deadline is 11:30 AM.

Thanks,

Ariel

Ariel Wittenberg
E&E News reporter

awittenberg@eenews.net

Ex. 6 Personal Privacy (PP)

@arielwittenberg

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 10/2/2019 9:47:25 PM
To: Block, Molly [block.molly@epa.gov]; Press [Press@epa.gov]
Subject: RE: San Francisco Wastewater--E&E News

Yes. I will coordinate with folks on this.

From: Block, Molly <block.molly@epa.gov>
Sent: Wednesday, October 2, 2019 5:46 PM
To: Press <Press@epa.gov>
Subject: RE: San Francisco Wastewater--E&E News

Can you work with OW/OECA on this? Thanks!

From: awittenberg@eenews.net <awittenberg@eenews.net>
Sent: Wednesday, October 2, 2019 5:33 PM
To: Press <Press@epa.gov>
Subject: San Francisco Wastewater--E&E News

Hi Everyone,

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Thanks,

Ariel

Ariel Wittenberg
E&E News reporter
awittenberg@eenews.net
Ex. 6 Personal Privacy (PP)
[@arielwittenberg](#)

E&E NEWS

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Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 9/26/2019 4:17:47 PM
To: Block, Molly [block.molly@epa.gov]; Press [Press@epa.gov]
Subject: RE: please send info on water call Thursday morning

Will do!

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, September 26, 2019 12:17 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

I just sent the gaggle info. It would be great if you could take the needle question.

From: Hackel, Angela
Sent: Thursday, September 26, 2019 12:16 PM
To: Press <Press@epa.gov>
Subject: FW: please send info on water call Thursday morning

I can follow up with OW on the water question. Is the 3F going to follow up on the other question?

From: King, Ledge <lsrking@gannett.com>
Sent: Thursday, September 26, 2019 12:08 PM
To: Block, Molly <block.molly@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

Molly:

Thanks for holding the call:

Two follow-ups.

The president last week was quoted in an [AP story](#) saying this:

"You know, there's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles, there are other things."

Susan didn't mention needles specifically so wanted to confirm with your office that that is indeed an issue.

Also, you mentioned the Administrator's gaggle this morning where he mentioned concerns raised in March from Nannette Barragan about the issue. Can you share the audio on that?

Thanks,

Ledge

From: Block, Molly <block.molly@epa.gov>
Sent: Thursday, September 26, 2019 10:35 AM
To: King, Ledge <lsrking@gannett.com>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: please send info on water call Thursday morning

See attached.

From: King, Ledge <lsrking@gannett.com>
Sent: Thursday, September 26, 2019 10:33 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: Re: please send info on water call Thursday morning

Can you share California letter?

Sent from my iPhone

On Sep 25, 2019, at 4:32 PM, Woods, Andrea <Woods.Andrea@epa.gov> wrote:

Ledge –

Thank you for RSVP'ing to EPA's Thursday morning press briefing call on an upcoming water announcement.

Call-in number Ex. 6 Personal Privacy (PP)
Conference ID:
Time: 10:30 AM ET

Please let us know if you have any questions.

Best,
Andrea

From: King, Ledge <lsrking@gannett.com>
Sent: Wednesday, September 25, 2019 4:31 PM
To: Press <Press@epa.gov>
Subject: please send info on water call Thursday morning

Ledyard King
Washington Correspondent

<image001.png>

Office: Ex. 6 Personal Privacy (PP)
Mobile:
lking@gannett.com
Twitter: @ledgeking

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 9/26/2019 3:58:13 PM
To: Press [Press@epa.gov]
Subject: FW: 10:30 AM EPA Press Briefing Call

Ex. 5 Deliberative Process (DP)

Thanks!

Angela

From: Flesher, John <jflesher@ap.org>
Sent: Thursday, September 26, 2019 11:55 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

Question to clarify, please: The letter refers to “exceedances” under the Safe Drinking Water Act – i.e., “665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.” Does this mean that these communities’ drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

Thanks,

John Flesher
AP

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Thursday, September 26, 2019 10:25 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: 10:30 AM EPA Press Briefing Call

Good Morning,

Thank you for RSVP’ing for this morning’s press briefing on a water quality announcement. Please see additional materials for this call attached and below.

Conference ID: Ex. 5 Personal Privacy (PP)
Press call-in number: Ex. 6 Personal Privacy (PP)
Time: 10:30 AM ET

EPA Administrator Wheeler calls out California’s Environmental Protection Failure
State’s homelessness crisis threatens human health and the environment

WASHINGTON – Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state’s failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler**. “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state’s recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator’s letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state’s years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources – which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act – San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA’s clean water programs, click [here](#).

###

Andrea Woods

Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

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From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 9/26/2019 2:43:38 PM
To: mhegstad@iwpnews.com
CC: Press [Press@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Here you are.

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

.....

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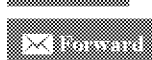
To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

[Visit The EPA's Newsroom](#)



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

From: Abboud, Michael [abboud.michael@epa.gov]
Sent: 9/26/2019 2:34:44 PM
To: lsrking@gannett.com
CC: Press [Press@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Here you are.

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Abboud, Michael <abboud.michael@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

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To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 9/26/2019 4:44:20 PM
To: Flesher, John [jflesher@ap.org]
CC: Press [Press@epa.gov]
Subject: RE: 10:30 AM EPA Press Briefing Call

Hi John,

Please see our response to your question below.

On background

Q: Does this mean that these communities' drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

A: Yes.

Thanks,

Angela

From: Flesher, John <jflesher@ap.org>
Sent: Thursday, September 26, 2019 12:03 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

I'm writing the story now, so need it pretty quick. It's just to clarify that particular wording. Thanks.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:01 PM
To: Flesher, John <jflesher@ap.org>; Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

Hi Jeff,

I wanted to let you know that I am working on this for you. Can you please let me know your deadline?

Thanks,

Angela

From: Flesher, John <jflesher@ap.org>
Sent: Thursday, September 26, 2019 11:55 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

Question to clarify, please: The letter refers to “exceedances” under the Safe Drinking Water Act – i.e., “665 health-based exceedances that put the drinking water of nearly 800,000 residents at risk.” Does this mean that these communities’ drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

Thanks,

John Flesher
AP

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Thursday, September 26, 2019 10:25 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Press <Press@epa.gov>
Subject: 10:30 AM EPA Press Briefing Call

Good Morning,

Thank you for RSVP’ing for this morning’s press briefing on a water quality announcement. Please see additional materials for this call attached and below.

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Press call-in number: Ex. 6 Personal Privacy (PP)
Time: 10:30 AM ET

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For more information about EPA's clean water programs, click [here](#).

#

Andrea Woods
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

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Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/26/2019 4:42:03 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
Subject: RE: For Review: 10:30 AM EPA Press Briefing Call

Ok

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:41 PM
To: Press <Press@epa.gov>
Subject: For Review: 10:30 AM EPA Press Briefing Call

Was reviewed/approved by OW/OECA (Lee/Susan)

Okay to send back:

Q: Does this mean that these communities' drinking water had levels of various contaminants (arsenic, lead) that exceeded federal safety standards?

A: Yes.

Thanks,

Angela

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:09 PM
To: Fleisher, John <jfleisher@ap.org>
Cc: Press <Press@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

Hi John,

I will get back to you as soon as I am able.

Thanks,

Angela

From: Fleisher, John <jfleisher@ap.org>
Sent: Thursday, September 26, 2019 12:03 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: RE: 10:30 AM EPA Press Briefing Call

I'm writing the story now, so need it pretty quick. It's just to clarify that particular wording. Thanks.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, September 26, 2019 12:01 PM
To: Fleisher, John <jfleisher@ap.org>; Woods, Andrea <Woods.Andrea@epa.gov>

Cc: Press <Press@epa.gov>

Subject: RE: 10:30 AM EPA Press Briefing Call

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Angela

From: Flesher, John <jflesher@ap.org>

Sent: Thursday, September 26, 2019 11:55 AM

To: Woods, Andrea <Woods.Andrea@epa.gov>

Cc: Press <Press@epa.gov>

Subject: RE: 10:30 AM EPA Press Briefing Call

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Thanks,

John Flesher

AP

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Thursday, September 26, 2019 10:25 AM

To: Woods, Andrea <Woods.Andrea@epa.gov>

Cc: Press <Press@epa.gov>

Subject: 10:30 AM EPA Press Briefing Call

Good Morning,

Thank you for RSVP'ing for this morning's press briefing on a water quality announcement. Please see additional materials for this call attached and below.

Conference ID: [Ex. 5 Personal Privacy (PP)]

Press call-in number: [Ex. 6 Personal Privacy (PP)]

Time: 10:30 AM ET

EPA Administrator Wheeler calls out California's Environmental Protection Failure *State's homelessness crisis threatens human health and the environment*

WASHINGTON – Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler**. “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

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California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA’s clean water programs, click [here](#).

###

Andrea Woods
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

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Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 9/26/2019 1:10:49 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: Re: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

Can you send me the original file or should I download from wapo website ?

Sent from my iPhone

On Sep 26, 2019, at 8:31 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Need to get this letter posted by 10:30 a.m. - please let me know when you are in thanks ng

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, September 26, 2019 8:30 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

https://www.washingtonpost.com/climate-environment/epa-tells-california-it-is-failing-to-meet-its-obligations-to-stem-water-pollution/2019/09/26/b3ffca1e-dfac-11e9-8dc8-498eabc129a0_story.html

Climate and Environment

EPA tells California it is 'failing to meet its obligations' to protect the environment

<image001.jpg>

Traffic moves across the Richmond-San Rafael Bridge on Sept. 17 in Mill Valley, Calif. (Justin Sullivan/Getty Images)

By Juliet Eilperin ,

September 26 at 8:00 AM

Trump officials will notify California Gov. Gavin Newsom (D) on Thursday that the state is "failing to meet its obligations" to protect the environment, just days after the president mocked its biggest cities for their "tremendous pollution."

The unusual move by the Environmental Protection Agency ratchets up the Trump administration's ongoing battle against the nation's largest state, a multi-pronged assault that Newsom has described as "weaponizing" the federal government. The fight extends from

immigration to environmental policy and involves agencies ranging from the Justice Department to the Department of Homeland Security and EPA.

In an oversight letter, EPA Administrator Andrew Wheeler cites multiple instances of California failing to meet federal water-quality standards, attributing this in part to the state's homelessness problem.

"The agency is aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment," wrote Wheeler, who gave Newsom 30 days to respond. "Based upon data and reports, the agency is concerned that California's implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs."

In recent weeks, Newsom and other top California officials have denounced Trump for targeting the state on several fronts. In the past month alone, the administration has moved to revoke the state's long-standing right to limit air pollution from cars, began investigating an agreement with four automakers for possible antitrust violations and threatened to withhold federal highway funds if California does not do more to clean up its air.

California has emerged as one of the Democrats' most potent counterweights to the White House in the Trump era, advancing liberal priorities on everything from climate change to abortion rights. Its attorney general, Xavier Becerra, has sued the administration 62 times in federal court, blocking policies such as the White House plan to end protections for young immigrants who were brought to the United States illegally by their parents.



President Trump talks with then-Gov.-elect Gavin Newsom, left, on Nov. 17, 2018, as California Gov. Jerry Brown listens during a visit to a neighborhood impacted by the wildfires in Paradise. (Evan Vucci/AP)

Speaking to reporters Tuesday in New York City, Newsom said California is promoting a shift to clean energy that threatens Trump's embrace of fossil fuels. In response, Trump and his deputies

have started to retaliate, he said, by probing the state's deal with automakers to build cleaner cars and taking away its right to curb tailpipe emissions.

“That paradigm is now challenged by an EPA that’s been weaponized by the Trump administration,” Newsom said, adding that his state and others are still pressing ahead. “They’re losing; states are winning.”

EPA officials said the notice to California reflects the agency’s broad policy priorities, rather than an attempt to single out the state. But while California has significant amounts of air and water pollution, so do other states.

Last year, the EPA estimated that 3,508 community water systems were out of compliance with health-based standards. In its oversight letter, the agency cited 202 water systems in California that have recently reported drinking water problems. The state has 82 areas that don’t meet air standards for six pollutants, and most of its plans to clean them up are still not approved by the EPA. But about three dozen other states also had counties that did not meet those national benchmarks.

Newsom, who said Tuesday that the EPA was engaging in “pure retaliation,” has made no secret of his opposition to the White House. This spring, he said, “I also see my role as not just the center of the resistance, but a positive alternative to Trump and Trumpism.”

Trump, for his part, has routinely criticized California officials for failing to protect their citizens from a range of threats, including wildfires and criminal acts by those in the country illegally.

At times, the president and Newsom have hurled insults at each other via Twitter. Just last week, Trump blasted California’s environmental record as he flew back from the state to Washington on Air Force One.

“There’s tremendous pollution being put into the ocean because they’re going through what’s called the storm sewer that’s for rainwater. And we have tremendous things that we don’t have to discuss pouring into the ocean,” he told reporters. “You know, there are needles, there are other things.”

“It’s a terrible situation that’s in Los Angeles and in San Francisco,” he added. “And we’re going to be giving San Francisco — they’re in total violation — we’re going to be giving them a notice very soon.”

San Francisco officials reject the idea that they have failed to capture objects such as needles because they send sewage and street runoff to the same pipes. This combined discharge is treated at one of the city’s sewage treatment plants, where pollutants are captured or treated before being released to the San Francisco Bay or the Pacific Ocean.

“We have our challenges in San Francisco around homelessness,” San Francisco Mayor London Breed’s communications director, Jeff Cretan, said in response to Trump’s comments aboard Air Force One. “But in terms of needles flowing into the bay, it’s absolutely ridiculous.”

[From plastic straws to discarded syringes, San Francisco’s complex problems]

After Trump declared last week that the EPA would put California on notice, officials were unsure what statutes would be used to do so, and there was no specific plan in place, according to two White House officials who spoke on the condition of anonymity to discuss internal deliberations.

Trump regularly brings up California's homelessness problems in meetings, telling aides that the government needs to highlight what he sees as bad, liberal governance — and to step in.

But that fixation does not extend nearly as much to other cities, such as New York. Homelessness in California has been featured on Trump's preferred cable news network, Fox News, with 10 segments in August alone.

Earlier this month, officials from several agencies, including the EPA, traveled to Los Angeles to examine homelessness and visited spots such as skid row. And some administration officials have said they believe homeless people in California are even spreading leprosy, according to current and former White House officials.

But last week, the administration rejected a request from California officials for more federal funds to expand programs aimed at addressing the problem.

[Trump officials tour FAA facility in California to possibly house homeless]

Harmeet K. Dhillon, the national co-chair for Women for Trump, said the president does not hold a particular animus toward the state, even though he could.

"It is a state that has sued him 60 times," said Dhillon, who spent time with Trump during his California visit last week and said she welcomes his attention. "I think the president shows remarkable good humor and grace when California has its hand out for support of fires or whatever the state needs."

"I don't think the president wants to take over these issues," she said of homelessness or environmental issues, but added, "It is appropriate for the federal government to have scrutiny on California."



Tents and tarps erected by homeless people are seen along sidewalks in the skid row area of downtown Los Angeles on June 28. (Patrick T. Fallon/Reuters)

Earlier this week, EPA officials suggested California authorities are doing an inadequate job of curbing air and water pollution and ranked the state toward the bottom in the nation. On Monday, Wheeler notified the California Air Resources Board that it risks losing billions in highway funding if it did not offer updated plans on how it plans to meet federal health-based standards for soot, smog and other pollutants.

Since Trump took office, EPA leaders have emphasized that they hope to improve water quality across the United States, identifying it as a priority in a long-term strategic plan last year. “Many communities need to improve and maintain both drinking water and wastewater infrastructure and develop the capacity to comply with new and existing standards,” the agency wrote.

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This is the first letter of its kind that the Trump administration has sent out, EPA officials said. They pointed to a similar letter sent to Wisconsin in 2011 under the Obama administration, which identified numerous deficiencies in the way the state managed water pollution problems. That 26-page letter gave the state three months to reply and came after half a dozen meetings and calls with state officials.

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Drawing on public databases and press reports — including a NPR report in August that “piles of human feces” are now visible on sidewalks and streets in San Francisco — Wheeler noted that even California’s own government has posted studies noting that human waste can increase bacteria levels in water off its beaches.

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The examples include a “years-long practice” of San Francisco routinely discharging more than a billion gallons of combined sewage and stormwater annually into San Francisco Bay and the Pacific Ocean without treating it for biological contaminants.

In addition, the letter says during the most recent reporting quarter, more than 200 water systems across the state reported 665 instances of exceeding health-based levels of arsenic and other regulated contaminants.

“These exceedances call into question the state’s ability to protect the public and administer its [Safe Drinking Water Act] programs in a manner consistent with federal requirements,” the letter states.

San Francisco is currently spending billions to upgrade its aging infrastructure, including \$4.8 billion to improve regional and local water systems that 2.7 million use. It has also launched a 20-year, multibillion-dollar sewer system upgrade.

Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)

Ex. 6 Personal Privacy (PP)

(cell)
grantham.nancy@epa.gov

Message

From: Dennis, Allison [Dennis.Allison@epa.gov]
Sent: 9/26/2019 12:39:48 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]
Subject: Re: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

Got it . I will be in around 8:50 .

Sent from my iPhone

On Sep 26, 2019, at 8:31 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:

Need to get this letter posted by 10:30 a.m. - please let me know when you are in thanks ng

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, September 26, 2019 8:30 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>
Subject: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

https://www.washingtonpost.com/climate-environment/epa-tells-california-it-is-failing-to-meet-its-obligations-to-stem-water-pollution/2019/09/26/b3ffca1e-dfac-11e9-8dc8-498eabc129a0_story.html

Climate and Environment

EPA tells California it is 'failing to meet its obligations' to protect the environment

<image001.jpg>

Traffic moves across the Richmond-San Rafael Bridge on Sept. 17 in Mill Valley, Calif. (Justin Sullivan/Getty Images)

By Juliet Eilperin ,

September 26 at 8:00 AM

Trump officials will notify California Gov. Gavin Newsom (D) on Thursday that the state is "failing to meet its obligations" to protect the environment, just days after the president mocked its biggest cities for their "tremendous pollution."

The unusual move by the Environmental Protection Agency ratchets up the Trump administration's ongoing battle against the nation's largest state, a multi-pronged assault that Newsom has described as "weaponizing" the federal government. The fight extends from

immigration to environmental policy and involves agencies ranging from the Justice Department to the Department of Homeland Security and EPA.

In an oversight letter, EPA Administrator Andrew Wheeler cites multiple instances of California failing to meet federal water-quality standards, attributing this in part to the state's homelessness problem.

"The agency is aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the impact of this crisis on the environment," wrote Wheeler, who gave Newsom 30 days to respond. "Based upon data and reports, the agency is concerned that California's implementation of federal environmental laws is failing to meet its obligations required under delegated federal programs."

In recent weeks, Newsom and other top California officials have denounced Trump for targeting the state on several fronts. In the past month alone, the administration has moved to revoke the state's long-standing right to limit air pollution from cars, began investigating an agreement with four automakers for possible antitrust violations and threatened to withhold federal highway funds if California does not do more to clean up its air.

California has emerged as one of the Democrats' most potent counterweights to the White House in the Trump era, advancing liberal priorities on everything from climate change to abortion rights. Its attorney general, Xavier Becerra, has sued the administration 62 times in federal court, blocking policies such as the White House plan to end protections for young immigrants who were brought to the United States illegally by their parents.

<image002.jpg>

President Trump talks with then-Gov.-elect Gavin Newsom, left, on Nov. 17, 2018, as California Gov. Jerry Brown listens during a visit to a neighborhood impacted by the wildfires in Paradise. (Evan Vucci/AP)

Speaking to reporters Tuesday in New York City, Newsom said California is promoting a shift to clean energy that threatens Trump's embrace of fossil fuels. In response, Trump and his deputies have started to retaliate, he said, by probing the state's deal with automakers to build cleaner cars and taking away its right to curb tailpipe emissions.

"That paradigm is now challenged by an EPA that's been weaponized by the Trump administration," Newsom said, adding that his state and others are still pressing ahead. "They're losing; states are winning."

EPA officials said the notice to California reflects the agency's broad policy priorities, rather than an attempt to single out the state. But while California has significant amounts of air and water pollution, so do other states.

Last year, the EPA estimated that 3,508 community water systems were out of compliance with health-based standards. In its oversight letter, the agency cited 202 water systems in California that have recently reported drinking water problems. The state has 82 areas that don't meet air standards for six pollutants, and most of its plans to clean them up are still not approved by the EPA. But about three dozen other states also had counties that did not meet those national benchmarks.

Newsom, who said Tuesday that the EPA was engaging in "pure retaliation," has made no secret of his opposition to the White House. This spring, he said, "I also see my role as not just the center of the resistance, but a positive alternative to Trump and Trumpism."

Trump, for his part, has routinely criticized California officials for failing to protect their citizens from a range of threats, including wildfires and criminal acts by those in the country illegally.

At times, the president and Newsom have hurled insults at each other via Twitter. Just last week, Trump blasted California's environmental record as he flew back from the state to Washington on Air Force One.

"There's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater. And we have tremendous things that we don't have to discuss pouring into the ocean," he told reporters. "You know, there are needles, there are other things."

"It's a terrible situation that's in Los Angeles and in San Francisco," he added. "And we're going to be giving San Francisco — they're in total violation — we're going to be giving them a notice very soon."

San Francisco officials reject the idea that they have failed to capture objects such as needles because they send sewage and street runoff to the same pipes. This combined discharge is treated at one of the city's sewage treatment plants, where pollutants are captured or treated before being released to the San Francisco Bay or the Pacific Ocean.

"We have our challenges in San Francisco around homelessness," San Francisco Mayor London Breed's communications director, Jeff Cretan, said in response to Trump's comments aboard Air Force One. "But in terms of needles flowing into the bay, it's absolutely ridiculous."

[From plastic straws to discarded syringes, San Francisco's complex problems]

After Trump declared last week that the EPA would put California on notice, officials were unsure what statutes would be used to do so, and there was no specific plan in place, according to two White House officials who spoke on the condition of anonymity to discuss internal deliberations.

Trump regularly brings up California's homelessness problems in meetings, telling aides that the government needs to highlight what he sees as bad, liberal governance — and to step in.

But that fixation does not extend nearly as much to other cities, such as New York. Homelessness in California has been featured on Trump's preferred cable news network, Fox News, with 10 segments in August alone.

Earlier this month, officials from several agencies, including the EPA, traveled to Los Angeles to examine homelessness and visited spots such as skid row. And some administration officials have said they believe homeless people in California are even spreading leprosy, according to current and former White House officials.

But last week, the administration rejected a request from California officials for more federal funds to expand programs aimed at addressing the problem.

[Trump officials tour FAA facility in California to possibly house homeless]

Harmeet K. Dhillon, the national co-chair for Women for Trump, said the president does not hold a particular animus toward the state, even though he could.

“It is a state that has sued him 60 times,” said Dhillon, who spent time with Trump during his California visit last week and said she welcomes his attention. “I think the president shows remarkable good humor and grace when California has its hand out for support of fires or whatever the state needs.”

“I don’t think the president wants to take over these issues,” she said of homelessness or environmental issues, but added, “It is appropriate for the federal government to have scrutiny on California.”

<image003.jpg>

Tents and tarps erected by homeless people are seen along sidewalks in the skid row area of downtown Los Angeles on June 28. (Patrick T. Fallon/Reuters)

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Ex. 6 Personal Privacy (PP)

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Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 9/26/2019 12:31:40 PM
To: Grantham, Nancy [Grantham.Nancy@epa.gov]; Abboud, Michael [abboud.michael@epa.gov]; Block, Molly [block.molly@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; McFaul, Jessica [mcfaul.jessica@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Beach, Christopher [beach.christopher@epa.gov]
Subject: RE: EPA tells California it is 'failing to meet its obligations' to protect the environment -- Washington Post

Thank you...

From: Grantham, Nancy <Grantham.Nancy@epa.gov>
Sent: Thursday, September 26, 2019 8:30 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Abboud, Michael <abboud.michael@epa.gov>; Block, Molly <block.molly@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; McFaul, Jessica <mcfaul.jessica@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Beach, Christopher <beach.christopher@epa.gov>
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https://www.washingtonpost.com/climate-environment/epa-tells-california-it-is-failing-to-meet-its-obligations-to-stem-water-pollution/2019/09/26/b3ffca1e-dfac-11e9-8dc8-498eabc129a0_story.html

Climate and Environment

EPA tells California it is 'failing to meet its obligations' to protect the environment



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By [Juliet Eilperin](#) ,

September 26 at 8:00 AM

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Nancy Grantham
Principal Deputy Associate Administrator
Environmental Protection Agency
Office of Public Affairs
202-564-6879 (desk)

Ex. 6 Personal Privacy (PP)

(cell)
grantham.nancy@epa.gov

Message

From: awittenberg@eenews.net [awittenberg@eenews.net]
Sent: 10/3/2019 3:14:23 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]
CC: Press [Press@epa.gov]
Subject: RE: San Francisco Wastewater--E&E News

Hi Angela,

Technically, yes, we will be able to do that. However, I want to let you know that we generally have a surge in readership right when our editions publish (for Greenwire that's generally between 1 and 1:30 p.m.), so there will be many readers who do not see EPA's response if you miss the deadline. Also, if you do respond after publication, I will include that information about the timing of your response when we update the story.

Thanks,

Ariel

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Thursday, October 03, 2019 11:03 AM
To: Ariel Wittenberg <awittenberg@eenews.net>
Cc: Press <Press@epa.gov>
Subject: RE: San Francisco Wastewater--E&E News

Hi Ariel,

I am working on this for you and will get back to you as soon as I am able. If we miss your deadline of 11:30, would you be able to update your story?

Thanks,

Angela

From: Ariel Wittenberg <awittenberg@eenews.net>
Sent: Thursday, October 3, 2019 10:57 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: San Francisco Wastewater--E&E News

Hi Angela,

Just wanted to check in as we're coming up on my deadline soon.

Thanks,

Ariel

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 02, 2019 6:12 PM
To: Ariel Wittenberg <awittenberg@eenews.net>

Cc: Press <Press@epa.gov>

Subject: Re: San Francisco Wastewater--E&E News

Thanks Ariel. I will look into this question as well.

Thanks,

Angela

Angela Hackel
Senior Advisor
Office of Public Affairs
Office of the Administrator
U.S. Environmental Protection Agency
Office: 202.566.2977
Cell: Ex. 6 Personal Privacy (PP)

On Oct 2, 2019, at 6:10 PM, Ariel Wittenberg <awittenberg@eenews.net> wrote:

Thanks, Angela. I have one more question to add here:

- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Thanks again,

Ariel

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Wednesday, October 02, 2019 5:54 PM
To: Ariel Wittenberg <awittenberg@eenews.net>
Cc: Press <Press@epa.gov>
Subject: San Francisco Wastewater--E&E News

Hi Ariel,

I am working on your inquiry for you. I will get back to you as soon as I am able.

Thanks,

Angela

From: awittenberg@eenews.net <awittenberg@eenews.net>
Sent: Wednesday, October 2, 2019 5:33 PM
To: Press <Press@epa.gov>
Subject: San Francisco Wastewater--E&E News

Hi Everyone,

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
- Why hasn't EPA signed off on the Oceanside permit?
- Who at EPA is reviewing the permit? Is this issue still at Region 9 or has it been transferred to headquarters?
- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.

I'm writing for our Greenwire edition tomorrow, so my deadline is 11:30 AM.

Thanks,

Ariel

Ariel Wittenberg
 E&E News reporter
awittenberg@eenews.net
 Ex. 6 Personal Privacy (PP)
[@arielwittenberg](#)

E&E NEWS

122 C Street NW 7th Floor Washington, DC 20001

www.eenews.net | [@EENewsUpdates](#)

Energywire, Climatewire, Greenwire, E&E Daily, E&E News PM, E&ETV

Message

From: Grantham, Nancy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12A3C2ED7158417FB0BB1B1B72A8CFB0-GRANTHAM, NANCY]
Sent: 9/26/2019 2:44:59 PM
To: Dennis, Allison [Dennis.Allison@epa.gov]
Subject: Fwd: Newsroom: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Sent from my iPhone

Begin forwarded message:

From: "Hackel, Angela" <Hackel.Angela@epa.gov>
Date: September 26, 2019 at 10:44:15 AM EDT
To: Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>, Press <Press@epa.gov>, Regional Public Affairs Directors <Regional_Public_Affairs_Directors@epa.gov>, AO-OCIR Everyone <AOOCIR_Everyone@epa.gov>, AO OPA Immediate Office <AO_OPA_Immediate_Office@epa.gov>, AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>, AO OPA Web Communications <AO_OPA_Web_Communications@epa.gov>
Subject: Newsroom: EPA Administrator Wheeler calls out California's Environmental Protection Failure

In the newsroom: <https://www.epa.gov/newsreleases/epa-administrator-wheeler-calls-out-californias-environmental-protection-failure>.

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom

raising several issues with the state’s failure to protect Californians from degraded water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler**. “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state’s recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator’s letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state’s years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA’s clean water programs, click [here](#).

.....

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<!--[if !vml]-->

<!--[endif]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Maier, Brent [Maier.Brent@epa.gov]
Sent: 10/8/2019 6:27:43 PM
To: Miller, Amy [Miller.Amy@epa.gov]; Quast, Sylvia [Quast.Sylvia@epa.gov]
Subject: EE news article: Democrats slam Wheeler for 'weaponizing' agency

From: Adamic, Denise <Adamic.Denise@epa.gov>
Sent: Tuesday, October 08, 2019 11:21 AM
To: Glenn, William <Glenn.William@epa.gov>; PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>; Calvino, Maria Soledad <Calvino.Maria@epa.gov>; DIAZ, ALEJANDRO <Diaz.Alejandro@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Gill, Sonam <Gill.Sonam@epa.gov>
Subject: Fyi EE news article: Democrats slam Wheeler for 'weaponizing' agency

In case you haven't seen this yet . . .

Denise Adamic
Press Officer | Office of Public Affairs
U.S. Environmental Protection Agency | Region 9
adamic.denise@epa.gov
Office 415.972.3061 | Cell 628.629.1496

EPA

Democrats slam Wheeler for 'weaponizing' agency

Ariel Wittenberg, E&E News reporter

Published: Tuesday, October 8, 2019

EPA Administrator Andrew Wheeler. Environment and Public Works Committee

Forty-five House Democrats are urging EPA Administrator Andrew Wheeler to work "collaboratively" with the state of California following a "series of politically-motivated attacks."

The letter follows actions EPA has taken over the last month directed at California. Most recently, EPA issued a notice of violation against San Francisco for problems with its sewage collection system.

The letter came after Wheeler sent a letter to Gov. Gavin Newsom (D) telling him the state needed to improve its enforcement of drinking water and sewage regulations, and particularly homed in on alleged violations caused by homeless people in Los Angeles and San Francisco (Greenwire, Oct. 3).

Wheeler has also sent a letter to California air regulators, threatening to revoke federal highway funds in retaliation for the state's halting compliance with the Clean Air Act.

And EPA has taken steps to revoke the state's Clean Air Act waiver for greenhouse gases, which allows for tougher vehicle emission standards.

"It appears that the White House is not interested in using the EPA's authority to protect public health, but instead weaponizing the agency to target political opponents," the letter says.

"Congress will exercise its full authority to ensure your agency has not acted in an arbitrary fashion," wrote the lawmakers, all from California. "We strongly urge you to rethink your approach to engaging with our state."

EPA spokesperson Michael Abboud defended the agency in a statement, saying, "Highlighting that California has the worst air quality in the nation along with other serious environmental problems is not a political issue."

He also said California's "inability to comply with the Safe Drinking Water Act has been an ongoing challenge, and the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks."

Abboud said, "The Trump administration, unlike the previous administration, will act to protect public health and the environment for all Americans. EPA expects California leaders to share its concern for the protection of public health."

But the California lawmakers say EPA's accusations "demonstrate deep hypocrisy" because of EPA's recent "pattern of undermining bedrock environmental laws."

"The actions of your agency do not match your rhetoric," the letter says. "To point the finger at the State of California while intentionally weakening environmental protections is outrageous and runs counter to the goal of ensuring clean air and water for all Americans."

The letter highlights California's history of environmental leadership, noting that it created emissions standards for automobiles in the 1960s — before the federal Clean Air Act was enacted — and describes measures that Los Angeles has taken recently to handle stormwater.

"The EPA, on the other hand, has worked to defund key federal environmental and public health programs, undermine Clean Water Act protections, weaken fuel economy rules and revoke California's waiver to set stronger greenhouse gas emissions standards," the letter says.

EPA's actions have also come under fire in the Senate, with California Democrats Dianne Feinstein and Kamala Harris urging EPA's inspector general to look into the allegations about San Francisco's sewer system ([Greenwire](#), Oct. 4).

Message

From: Miller, Amy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=40BB39F199A74C5CB3956D35D6F468DF-AMILLE06]
Sent: 9/19/2019 6:43:37 PM
To: boquerona33@hotmail.com
Subject: FW: FYI - Wheeler mum on Trump's San Francisco enforcement threat - Greenwire

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: Maier, Brent <Maier.Brent@epa.gov>
Sent: Thursday, September 19, 2019 11:30 AM
To: Miller, Amy <Miller.Amy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Cc: Calvino, Maria Soledad <Calvino.Maria@epa.gov>; PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: FYI - Wheeler mum on Trump's San Francisco enforcement threat - Greenwire

Wheeler mum on Trump's San Francisco enforcement threat

Timothy Cama and Kevin Bogardus, E&E News reporters - Published: Thursday, September 19, 2019



President Trump. @POTUS/Twitter

EPA Administrator Andrew Wheeler is saying nothing about what his boss says is a pending enforcement action against San Francisco, alleging that the city's homeless population is polluting water.

President Trump mentioned the possible EPA enforcement effort to reporters yesterday on Air Force One, returning from a California trip that included fundraisers in multiple cities and a visit to a border wall construction site.

"There's tremendous pollution being put into the ocean because they're going through what's called the storm sewer that's for rainwater," Trump said of both San Francisco and Los Angeles. "And we have tremendous things that we don't have to discuss pouring into the ocean. You know there are needles; there are other things.

"It's a terrible situation — that's in Los Angeles and in San Francisco," he continued. "And we're going to be giving San Francisco, they're in total violation, we're going to be giving them a notice very soon."

Asked to explain further, Trump said EPA would likely act within the next week.

"EPA is going to be putting out a notice. They're in serious violation," Trump said, seemingly referring to San Francisco.

"And this is environmental ... and they have to clean it up. We can't have our cities going to hell. These are great cities. And we can't lose our great cities like this."

Wheeler was asked about Trump's comments today at a news conference on his agency's move to stop California from enforcing greenhouse gas emissions limits on cars.

His response: "I can't comment on potential enforcement actions."

EPA spokesman Michael Abboud said Trump's comments didn't come as a surprise. But he, too, declined to give any more details.

It's unclear what authority the federal EPA has to punish San Francisco.

Trump and people in his administration, like Housing and Urban Development Secretary Ben Carson, in recent weeks have harshly criticized California for homelessness in its cities and looked for ways to crack down on the mostly Democratic political leaders there.

"If these Democrat liberal politicians don't straighten it out, the federal government will have to come in," Trump said of homelessness during his border wall visit. "We're not going to lose cities like Los Angeles, San Francisco and others that are great cities."

The Washington Post reported last week that Trump had asked his administration to remove homeless people from the streets in California and put them in federal facilities, among other unprecedented actions.

San Francisco Mayor London Breed said that she's open to working with the Trump administration on homelessness but that the city's wastewater management is not the problem.

"San Francisco has a combined sewer system, one of the best and most effective in the country, that ensures that all debris that flow into storm drains are filtered out at the city's wastewater treatment plants," she said in a statement. "No debris flow out into the Bay or the Ocean."

She added, "If the President wants to talk about homelessness, we are committed to working with our state and federal partners on actual solutions."

In a tweet, Breed was more critical of Trump and his policies on the environment and homelessness.

"The President is cutting clean air and clean water standards, restricting our ability to regulate car emissions, and denying climate change even exists," she said. "He's cut funding for homelessness and affordable housing. In SF, we're meeting the challenges on our streets."

EPA's San Francisco-based Region 9 office, which oversees the agency's operations in California and three other states, would likely play a role in any enforcement action against the city.

An EPA Region 9 spokeswoman said the agency has a long-standing history of not commenting on potential enforcement actions and referred E&E News to the EPA headquarters' press office, which also declined to comment.

In response to E&E News' request for comment, a spokesman for Los Angeles Mayor Eric Garcetti referred to an earlier response from the mayor to Trump's disparagement of the city.

"If they're serious about helping, we're serious about getting together. It's no secret that I have disagreed with you on almost everything, Mr. President, but if you are in your heart willing to save lives alongside us, we know what works here," Garcetti said, speaking from a homeless shelter.

Officials representing California's state EPA didn't respond to requests for comment.

Twitter: [@Timothy_Cama](#) Email: tcama@eenews.net

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

Message

From: Miller, Amy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=40BB39F199A74C5CB3956D35D6F468DF-AMILLE06]
Sent: 9/19/2019 6:43:29 PM
To: Berg, Elizabeth [Berg.Elizabeth@epa.gov]
Subject: FW: FYI - Wheeler mum on Trump's San Francisco enforcement threat - Greenwire

Amy C. Miller
Director, Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency, Region IX
(415) 947-4198
miller.amy@epa.gov

From: Maier, Brent <Maier.Brent@epa.gov>
Sent: Thursday, September 19, 2019 11:30 AM
To: Miller, Amy <Miller.Amy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>
Cc: Calvino, Maria Soledad <Calvino.Maria@epa.gov>; PerezSullivan, Margot <PerezSullivan.Margot@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: FYI - Wheeler mum on Trump's San Francisco enforcement threat - Greenwire

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Twitter: [@Timothy_Cama](#) Email: tcama@eenews.net

Brent Maier

Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

Case	Referred to DOJ	Complaint filed with court	Final Order Lodged	Final Order Entered	Case Closed	IR	Penalty	SEP	Notes and Duration to meet CD
1. City of LA	Ex. 7(E)	1/8/2001	8/5/2004	10/28/2004	5/26/2015	\$2,000,000,000.00	\$1,600,000 (split with state)	\$7.7M for various projects	11 years
Amendment #1 – modified odor provision and		8/20/2009	11/12/2009	\$6,940,000.00		-			
Amendment #2 – replaced certain SEPs		7/23/2013	1/3/2014	\$0.00		-			
With approximately 6,500 miles of sewer lines serving almost 4 million residents, the city operates the largest sewage collection system in the country. From 1994-2004, the city experienced over 4,500 sewage spills.									
2. City of San Diego	Ex. 7(E)	7/8/2003	5/3/2004	9/13/2005	8/4/2015	\$187,000,000.00	\$6,200,000 (penalty went to the state)	\$250,000 for beach study	10 years
Round 2		8/15/2006	1/24/2007	\$87,000,000.00		-	No		
Round 3		7/31/2007	10/11/2007	\$876,000,000.00		-	No		
San Diego m. System wide cleaning, root control, sewer pipe inspection, repair or replacement of 250 miles of pipeline; Upgrade/repair pump stations and secure all 5,800 manhole covers throughout the city; and									
3. City and County of Honolulu	Ex. 7(E)	10/3/1994	-	5/15/1995	Open	\$3,700,000,000.00	\$1,600,000 (Split with State)	No	Work scheduled through 2035. 25 year duration.
Second CD		5/8/2007	8/10/2010	12/17/2010					
Amendment #1			9/15/2015	9/15/2015		-	-	No	
CCNM. Upgrade wastewater collection system by 2020. Upgrade Sand Island and Hahaione WWTPs to secondary treatment by 2028.									
4. EBMUD (collection system)	Ex. 7(E)	5/20/2013	7/28/2014	9/22/2014	Open	\$1,500,000,000.00	\$ 1,276,778.00	No	Work scheduled through 2035. 21 year duration.
East Bay MOD Background. Defendants: East Bay Municipal Utility District (EBMUD) and the seven member communities (Alameda, Albany, Berkeley, Emeryville, Oakland, Piedmont and Stage Sanitary District)									

Message

From: Quast, Sylvia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FE20025C1DDA47CE92E19F6C3C440C90-SQUAST]
Sent: 9/27/2019 11:10:57 PM
To: Kermish, Laurie [Kermish.Laurie@epa.gov]; Lieben, Ivan [Lieben.Ivan@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

From: McLain, Jennifer <McLain.Jennifer@epa.gov>
Sent: Thursday, September 26, 2019 3:46 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>
Cc: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>; Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Guilaran, Yu-Ting <Guilaran.Yu-Ting@epa.gov>
Subject: Re: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Carrie

I would like to talk with you about

Ex. 5 AC/DP

And, the potential issue of

Ex. 5 AC/DP

Ex. 5 AC/DP

Jennifer

On Sep 26, 2019, at 2:30 PM, Wehling, Carrie <Wehling.Carrie@epa.gov> wrote:

Ex. 5 AC/DP

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: McLain, Jennifer <McLain.Jennifer@epa.gov>
Sent: Thursday, September 26, 2019 2:21 PM
To: Wehling, Carrie <Wehling.Carrie@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: RE: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Thank you Carrie. I was not aware of the letter until I received it this morning along with the related WP article.

Jennifer

Jennifer L. McLain, Director
Office of Ground Water and Drinking Water
U.S. EPA

From: Wehling, Carrie <Wehling.Carrie@epa.gov>
Sent: Thursday, September 26, 2019 1:59 PM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>;
McLain, Jennifer <McLain.Jennifer@epa.gov>
Cc: Darman, Leslie <Darman.Leslie@epa.gov>; Nalven, Heidi <Nalven.Heidi@epa.gov>; Quast, Sylvia
<Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYI in case you hadn't seen.

Ex. 5 AC/DP

Copying WLO state program leads, and RC R9.
Carrie

Caroline (Carrie) Wehling
Assistant General Counsel
Water Law Office
U.S. Environmental Protection Agency
Washington DC 20004
202-564-5492
wehling.carrie@epa.gov

From: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Sent: Thursday, September 26, 2019 1:05 PM
To: OGC WLO <OGC_WLO@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

For your awareness. I was not previously aware of this.

Steve Neugeboren
Associate General Counsel for Water
U.S. EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
202 (564-5488)

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, September 26, 2019 12:07 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

FYSA

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: EPA Press Office <press@epa.gov>

Sent: Thursday, September 26, 2019 10:30 AM

To: Fotouhi, David <Fotouhi.David@epa.gov>

Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY

NEWS RELEASE

WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

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Administrator Wheeler also raised concerns about the state's years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in

federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA's clean water programs, click [here](#).

<image001.png>



U S Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



[Unsubscribe](#)

Message

From: Sawyers.Andrew@epa.gov [Sawyers.Andrew@epa.gov]
Sent: 10/3/2019 5:34:38 PM
To: Farris, Erika D. [Farris.Erika@epa.gov]
CC: Sylvester, Francis [Sylvester.Francis@epa.gov]; Gilbertson, Sue [gilbertson.sue@epa.gov]; Kloss, Christopher [Kloss.Christopher@epa.gov]
Subject: Re: URGENT: inquiry from LA Times

Thanks

Sent from my iPhone

On Oct 3, 2019, at 1:06 PM, Farris, Erika D. <Farris.Erika@epa.gov> wrote:

I have not seen anything related to this query.

From: Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Sent: Thursday, October 3, 2019 12:39 PM
To: Farris, Erika D. <Farris.Erika@epa.gov>; Sylvester, Francis <Sylvester.Francis@epa.gov>; Gilbertson, Sue <gilbertson.sue@epa.gov>
Cc: Kloss, Christopher <Kloss.Christopher@epa.gov>
Subject: FW: URGENT: inquiry from LA Times

Sue/Erika/Frank – have you seen any request related to the query below? I think Mary is out until next week. Just want to make sure we did not get a request. Thanks

From: Kloss, Christopher <Kloss.Christopher@epa.gov>
Sent: Thursday, October 03, 2019 12:24 PM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: RE: URGENT: inquiry from LA Times

No, I'm assuming it was forwarded to 3rd floor comms.

Chris Kloss
US EPA Office of Water
Municipal Branch – Water Permits Division
202.564.1438 (o)
Ex. 6 (m)

From: Sawyers, Andrew <Sawyers.Andrew@epa.gov>
Sent: Thursday, October 03, 2019 12:07 PM
To: Kloss, Christopher <Kloss.Christopher@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: RE: URGENT: inquiry from LA Times

Thanks Chris. Do we know who has been tasked to respond to the questions?

From: Kloss, Christopher <Kloss.Christopher@epa.gov>
Sent: Thursday, October 03, 2019 11:54 AM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: FW: URGENT: inquiry from LA Times

FYI on a press inquiry about the Oceanside permit.

Chris Kloss
US EPA Office of Water
Municipal Branch – Water Permits Division
202.564.1438 (o)
Ex. 6 (m)

From: Denton, Loren <Denton.Loren@epa.gov>
Sent: Thursday, October 03, 2019 11:26 AM
To: Kloss, Christopher <Kloss.Christopher@epa.gov>
Subject: Fwd: URGENT: inquiry from LA Times

Looks like Our press person talked to someone in OW press.

Sent from my iPhone

Begin forwarded message:

From: "Hull, George" <Hull.George@epa.gov>
Date: October 3, 2019 at 10:36:28 AM EDT
To: "Theis, Joseph" <Theis.Joseph@epa.gov>
Cc: "Rae, Sarah" <Rae.Sarah@epa.gov>, "Denton, Loren" <Denton.Loren@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Subject: RE: URGENT: inquiry from LA Times

Joe,
The link is working for me. Here it is again, in case it was accidentally corrupted in my earlier email: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>

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From: Kloss, Christopher <Kloss.Christopher@epa.gov>
Sent: Thursday, October 03, 2019 11:54 AM
To: Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: FW: URGENT: inquiry from LA Times

FYI on a press inquiry about the Oceanside permit.

Chris Kloss
US EPA Office of Water
Municipal Branch – Water Permits Division
202.564.1438 (o)
Ex. 6 (m)

From: Denton, Loren <Denton.Loren@epa.gov>
Sent: Thursday, October 03, 2019 11:26 AM
To: Kloss, Christopher <Kloss.Christopher@epa.gov>
Subject: Fwd: URGENT: inquiry from LA Times

Looks like Our press person talked to someone in OW press.

Sent from my iPhone

Begin forwarded message:

From: "Hull, George" <Hull.George@epa.gov>
Date: October 3, 2019 at 10:36:28 AM EDT
To: "Theis, Joseph" <Theis.Joseph@epa.gov>
Cc: "Rae, Sarah" <Rae.Sarah@epa.gov>, "Denton, Loren" <Denton.Loren@epa.gov>, "Pollins, Mark" <Pollins.Mark@epa.gov>
Subject: RE: URGENT: inquiry from LA Times

Joe,
The link is working for me. Here it is again, in case it was accidentally corrupted in my earlier email: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>

I spoke with Susan about the responses. She agreed that it was appropriate for OW to answer the permitting questions. I called my counterpart in OW and told her about Susan's recommendation. Also, Susan is going to send me responses to the other questions. - George

From: Theis, Joseph <Theis.Joseph@epa.gov>
Sent: Thursday, October 03, 2019 7:50 AM
To: Hull, George <Hull.George@epa.gov>
Cc: Rae, Sarah <Rae.Sarah@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: URGENT: inquiry from LA Times

George,

I was not able to open the link provided by the reporter. Were you able to open it? I'm curious who from EPA (I assume Region 9) was at the meeting the reporter refers to, and what was said.

- Joe

Joseph G. Theis
Associate Director
Water Enforcement Division
Office of Enforcement and Compliance Assurance
U.S. EPA (2243A)
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
(202)564-4053

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From: Hull, George
Sent: Wednesday, October 02, 2019 9:00 PM
To: Pollins, Mark <Pollins.Mark@epa.gov>; Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>
Subject: URGENT: inquiry from LA Times

Mark, Loren, Joe and Carol,
OPA has sent us the inquiry below from E&E News. Region 9 suggested that OECA and OW may be better positioned to respond. The reporter is asking for our response by 11:00 am tomorrow morning. Let's discuss in the morning. - George

Hope you're doing well. I'm working on a follow-up article to EPA Admin. Wheeler's letter to California last week. In particular, I'm focusing on the ongoing permit review for the Oceanside Wastewater Treatment Plant which was mentioned a few times in the background press briefing as an example of EPA's concerns regarding California's oversight. I had a few questions.

- On Sept. 11 EPA staff told the San Francisco Regional Water Quality Control Board that the agency supported the permit as drafted. (You can view a livestream of that meeting here: <https://cal-span.org/unipage/index.php?site=cal-span&owner=RWQCB-SF&date=2019-09-11>). The board approved the permit largely unedited. What changed between Sept. 11 and Sept. 26, when the senior EPA official told reporters the agency was concerned about California's oversight of that specific permit and San Francisco's efforts to push back against it?
- Why hasn't EPA signed off on the Oceanside permit?
- Who at EPA is reviewing the permit? Is this issue still at Region 9 or has it been transferred to headquarters?
- I'm also curious about the timing of EPA Region 9's Notice of Violation against San Francisco PUC issued today for a slew of wastewater-related concerns. How long has EPA been working on that notice? I was under the impression that

California had 30 days to respond to Admin. Wheeler's letter before EPA took further action.

- Why weren't the Oceanside violations included in R9's notice today addressed as part of the permitting process for that treatment plant?

Sent from my iPhone

Message

From: Sawyers, Andrew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=49214552A00B4AB7B168EC0EDBA1D1AC-SAWYERS, ANDREW]
Sent: 10/2/2019 9:51:55 PM
To: Torres, Tomas [Torres.Tomas@epa.gov]
Subject: Re:

Thanks Tomas.

Sent from my iPhone

On Oct 2, 2019, at 5:38 PM, Torres, Tomas <Torres.Tomas@epa.gov> wrote:

And follow up from last week's announcement

Tomas Torres

<Notice of Violation of National Pollutant Discharge Elimination System permits - City and County of San Francisco.pdf>

Message

Sent: 10/11/2019 4:46:59 PM
To: Hyman, Alana [Hyman.Alana@epa.gov]; Dickerson, Aaron [dickerson.aaron@epa.gov]
Subject: for the White House briefing
Attachments: WH Briefing paper.docx; WH briefing QA.docx; White House Documents.docx; Hot Topics 10.11.2019.docx

Hello Aaron and Alana,

Please see attached. Also, note, they would like him there at 10am for a prep session, then 11am briefing, depart the WH at 11:30am.

Thank you!

Corry Schiermeyer
Associate Administrator
Office of Public Affairs
Environmental Protection Agency
Schiermeyer.corry@epa.gov
202-564-6782

EPA Hot Topics

Updated: October 11, 2019

Impeachment:

- I believe the President will be fully exonerated, as he has been with all other House Democrat investigations.
- I'm focused on the mission of the Agency of protecting human health and the environment. House Democrats should focus on what's best for the nation and not another meritless investigation.

Climate Change

- At EPA, we are addressing Climate Change, and as a Nation, we continue to grow our economy, while also protecting our environment.
- Here in the U.S., our fossil fuels are extracted and produced in one of the most environmentally conscious manners in the world.
- From 2005 to 2017, total U.S. energy-related CO2 emissions fell by **14 percent**, while the U.S. became the number one energy producer in the world.
- In contrast, global energy-related CO2 emissions increased over 20 percent.
- And since 1990, U.S. natural gas production has **more than doubled**.
- Over that period, methane emissions from natural gas production **fell by over 16 percent**.
- From 1990 to 2018, annual emissions of sulfur dioxide (SO2) from coal-fired power plants fell by over **90 percent** while emissions of (nitrogen oxides) NOx fell by over **80 percent**. And in the past decade alone, mercury emissions from power plants have decreased by nearly **90 percent**.

Climate Science/Advisory Boards:

- EPA is committed to scientific integrity and transparency.
- EPA has the utmost confidence in its career scientist and the members on its science advisory boards and panels.
- EPA routinely takes comments from the public and outside organizations, including those not employed or associated with EPA.
- The Agency will continue to take into consideration those comments that meet our scientific standards.

UN Climate Report:

- The administration is currently reviewing the report, and I would recommend reaching out to the State Department as this is a U.N. report.
- In terms of what the Trump administration is currently doing, we've finalized the ACE rule which will reduce GHG emissions in the power sector by as much as 35 percent below 2005 levels.
- The Energy Information Administration's short-term outlook just released projects that U.S.

energy-related carbon dioxide (CO₂) emissions will decline by 2.3% in 2019 and by 0.5% in 2020. EPA's report is due out next year.

- From 2005 to 2017, the U.S. reduced its energy-related CO₂ emissions by 14 percent.
- In contrast, global energy-related CO₂ emissions have increased over 20 percent since 2005.
- This is in addition to our overall air quality which has seen from 1970 to 2018, the combined emissions of the six criteria pollutants dropped by 74 percent, while the U.S. economy grew by nearly 275 percent.
- Emissions of all key air pollutants dropped between 2016 and 2018, and lead and sulfur dioxide concentrations dropped by double-digit percentages during the same period.

NCA RCP 8.5:

- In a 2015 memo, the Obama administration's political appointees directed the National Climate Assessment by stating "NCA 4 will focus on RCP 8.5 as a high-end scenario and RCP 4.5 as a low-end scenario."
- **WHEELER:** "I think a lot of the worst-case scenario information in that assessment is what's concerning a lot of people in this administration... I don't think the assessment really took into account the innovation that we've seen and the technological advancement that we've seen in recent years. It basically freezes technology going forward." ([[HYPERLINK "https://thehill.com/policy/energy-environment/418639-epa-chief-criticizes-climate-report-over-worst-case-scenario"](https://thehill.com/policy/energy-environment/418639-epa-chief-criticizes-climate-report-over-worst-case-scenario)], 11/28/18)

Air Quality

- According to the World Health Organization, the U.S. has some of the lowest fine particulate matter levels in the world.
 - U.S. fine particulate matter levels are five times below the global average, seven times below Chinese levels, and well below France, Germany, Mexico, and Russia.
- Much of this progress has taken place in low-income counties across the country.
- Based on the most recent monitoring data from 2017, 86% of low-income counties were in attainment with EPA's National Ambient Air Quality Standards (NAAQS), compared to 43% in 2008.
- We are helping areas across the nation reduce air pollution and meet the nation's air quality standards.
- By doing so, many regions across the country are moving from non-attainment to attainment.
- This is breathing new life into the local economy by alleviating a major regulatory burden.

Paris Climate Agreement

- The U.S. position with respect to the Paris Agreement has not changed. The U.S. intends to withdraw from the Paris Agreement, absent the identification of terms for participation more favorable to the U.S.
- For most countries that sign the Paris Agreement, there are no negative consequences if they don't meet the targets.

Executive Orders on Guidance and Enforcement

- EPA strongly supports transparency and fairness. These two executive orders provide us with the opportunity to institutionalize reforms we are already implementing at the Agency. For example, the Office of Water has already completed a review of its guidance documents, including draft guidance that had never been finalized, even after 10 or more years. The Office of Enforcement and Compliance Assurance has already refreshed and expanded EPA's self-audit programs, the encourage companies to return to compliance more quickly.

Lead and Copper Rule

- As part of Children's Health Month, the U.S. Environmental Protection Agency (EPA) is announcing a proposed rule that significantly improves the actions that water systems have to take to reduce lead in the nation's drinking water.
- This action represents the first major overhaul of the Lead and Copper Rule since 1991 and marks a critical step in advancing the Trump Administration's Federal Action Plan to Reduce Childhood Lead Exposures.
- Although we have made tremendous progress in removing lead from our nation's drinking water, some children and communities are still being exposed to lead.
- EPA is delivering on President Trump's commitment to ensure all Americans have access to safe and clean water by proposing a new Lead and Copper Rule that requires action sooner, increases transparency, and safeguards our children and most at-risk communities.
- In conjunction with releasing the proposed rule, EPA and the Department of Housing and Urban Development have launched a new website that summarizes available federal programs that help finance or fund lead service line replacement. The new resource also includes case studies demonstrating how cities and states have successfully leveraged federal resources to support lead service lines (LSLs) replacement projects.
- The agency's proposal takes a proactive and holistic approach to improving the current rule—from testing to treatment to telling the public about the levels and risks of lead in drinking water.
- The proposal focuses on six key areas. Under the proposal, a community water system would be required to take new actions, including, but not limited to:
 - **1) identifying the most impacted areas** by requiring water systems to complete and maintain a publicly-available inventory of the LSLs at homes and requiring water systems to "find-and-fix" sources of lead when a sample in the home exceeds 15 parts per billion (ppb).
 - **2) strengthening drinking water treatment** by requiring corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb. Water systems will also be required to "find-and-fix" sources of lead by adjusting treatment or water chemistry when a sample in the home exceeds 15 ppb.
 - **3) replacing lead service lines** by requiring water systems to replace the water system-owned portion of an LSL when a customer chooses to replace their portion of the line. Additionally, depending on their level above the trigger level, systems would be required take LSL replacement actions, as described below.
 - **4) increasing drinking water sampling reliability** by requiring water systems to follow new, improved sampling procedures and rethink sampling sites to better target higher lead levels.

- **5) improving risk communication to customers** by requiring water systems to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Water systems will also be required to conduct regular outreach to the homeowners with LSLs.
- **6) better protecting children in schools and child care facilities** by requiring water systems to take drinking water samples from the schools and child care facilities served by the system.

LCR Proposed Rule: 3% vs 7%:

- Press reports that claim EPA's new proposal would require fewer lead service line replacements are simply not true.
- What's important is that the new proposal closes loopholes and strengthens requirements to ensure that more lead service lines are replaced and more people are protected, especially in neighborhoods that need it most.
- One of the most significant improvements to the current rule is to ensure replacements are actually happening on the ground and making a difference to public health.
- EPA has found that the existing rule's 7% replacement rate is rarely occurring due to weaknesses in the current rule. For instance, water systems today can use the "test out" provisions of the current rule which allows a system to count the line as replaced if a sample is below 15 parts per billion—even when no replacement construction has actually happened.
- This would no longer be allowed.
- Another example: today, water systems can stop their lead service line replacement programs after one year or less once they are below the action level.
- The proposed rule requires water systems that fall under the rule's mandatory 3% replacement program to have lead levels less than the 15 ppb action level for two years prior to ending its replacement program.

RFS

- EPA recently announced that President Trump successfully negotiated an agreement on the Renewable Fuel Standard (RFS).
- Under this agreement, the following actions will be undertaken by EPA and USDA:
 - In a forthcoming supplemental proposal building off the recently proposed 2020 Renewable Volume Standards and the Biomass-Based Diesel Volume for 2021, EPA will propose and request public comment on expanding biofuel requirements beginning in 2020.
 - EPA will seek comment on actions to ensure that a net of 15 billion gallons of conventional ethanol will be blended into the nation's fuel supply beginning in 2020, and that the volume obligation for biomass-based biodiesel is met. This will include accounting for relief expected to be provided for small refineries.
 - EPA intends to take final action on this front later this year.

- Building on the President's earlier decision to allow year-round sales of E15, EPA will initiate a rulemaking process to streamline labeling and remove other barriers to the sale of E15.
- EPA will continue to evaluate options for RIN market transparency and reform.
- USDA will seek opportunities through the budget process to consider infrastructure projects to facilitate higher biofuel blends.
- The Administration will continue to work to address ethanol and biodiesel trade issues.
- Since taking office in 2017, the Trump Administration has enacted tax and regulatory policies that have helped make America energy dominant.
- The Administration has cut burdensome red tape through deregulation, including signing a record number of Congressional Review Act (CRA) legislation, repealing the 2015 Waters of the United States (WOTUS) rule, reforming the Section 401 process under the Clean Water Act, proposing a new methane rule, and removing the U.S. from the job-killing Paris Climate Accord.
- EPA will continue to consult with our federal partners on the best path forward to ensure stability in the Renewable Fuel Standard.
- The Trump Administration has overseen year-over-year increases in domestic fuel ethanol production, to the highest level in history and [[HYPERLINK "https://www.eia.gov/todayinenergy/detail.php?id=39212" \] .](https://www.eia.gov/todayinenergy/detail.php?id=39212)

California:

- Highlighting that California has the worst air quality in the nation along with other serious environmental problems is not a political issue. The Trump Administration, unlike the previous administration, will act to protect public health and the environment for all Americans.
- California's challenges with compliance with the Safe Drinking Water Act have been an ongoing concern since they were brought to my attention at the Energy & Commerce hearing back in March.
- Congresswoman Barragan raised serious concerns to me at that hearing about the drinking water in Compton, and subsequently I asked the Office of Water to look into the issue. The Congresswoman only gave me the opportunity to answer 2 "yes or no" questions, so I wasn't able to explain to her at the time that oversight of the Compton system is a program that had been delegated to the State of California under the Safe Drinking Water Act, and that therefore the State is the first line of defense.
- EPA has been reviewing several issues that were identified as a result of the follow-up to the Congresswoman's questions about the State of California's implementation of our Nation's water laws. Those issues were the basis for our September 26th letter.

San Francisco Notice of Violation:

- The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State raising concerns regarding their implementation of the Clean Water Act and the Safe Drinking Water Act.
- EPA oversight of a State's program implementation and EPA oversight or enforcement actions against a regulated entity within a state are completely separate issues.

- On Wednesday, October 2, EPA notified the San Francisco Public Utilities Commission, a regulated entity, that EPA has identified violations of the City and County of San Francisco's National Pollutant Discharge Elimination System permits regulating discharges from the city's wastewater treatment plants, 36 combined sewer discharge facilities and its combined sewer system. The identified violations are based on inspections and field visits in 2015 and 2016, and additional information, such as monitoring data that was gathered after the inspection.
- **As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks.**
- For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean.
- EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance.

CA Water Oversight Letter

- On Thursday, September 26, EPA sent a letter to Governor Newsom outlining deficiencies in the State of California's implementation of the Clean Water Act and the Safe Drinking Water Act, and how those deficiencies may be failing to protect Californians from degraded water.
- The letter outlines deficiencies in the State's oversight of the Clean Water Act and the Safe Drinking Water Act programs that have led to significant public health concerns in California and the steps the state must take to address them.
- EPA is aware of and highlighted to the state numerous recent health-based exceedances under the Safe Drinking Water Act.
- These exceedances call into question the State's commitment to protect the public and administer its SDWA programs in a manner consistent with federal requirements.
- EPA is also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the homeless crisis is likely having adverse impacts on the environment.
- The EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.
- In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, EPA is asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

CA Air Oversight Letter

- Tuesday, September 24, EPA sent a letter to California Air Resources Board Chair Mary Nichols requesting the state withdrawal its backlog and unapproved State Implementation Plans, and work with EPA to develop complete approvable SIPs.
- Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States with 82 areas that don't attain National Ambient Air Quality Standards affecting 34 million people living in these areas, more than twice as many people than any other state in the country.

- The state of California represents a disproportionate share of the national list of backlog SIPs, roughly one-third of EPA's overall SIP backlog.
- California's total portion of the SIP backlog is more than 100 with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability.
- In the event California fails to withdraw these SIPs, EPA will begin the disapproval process for individual plans which triggers statutory clocks for three things: highway funding sanctions; new source review permitting sanctions; a deadline for the issuance of a federal implementation plan for the area.
- When President Trump took office, EPA inherited 700 SIPs from the previous administration, we've taken action on over 400. Additionally, EPA has converted a FIP to SIP once a month since March 2017, and the EPA will continue to work diligently with the States to ensure they have approvable SIPs.
- EPA received an initial response from CARB and will ensure progress is being made on improving air quality in California. EPA stands ready to work with California to meet the administration's goal of clean healthy air for all Americans.

SAFE

- The SAFE vehicle rule is a top priority for EPA and the Trump Administration. EPA and NHTSA career and political staff have been and continue to work diligently through the OMB review process to finalize the rule.
- When implemented, the rule will benefit all Americans by improving the U.S. fleet's fuel economy, reducing air pollution, and making new vehicles more affordable for all Americans.
- **As new vehicles are safer than ever**, ultimately, the SAFE rule will save lives and reduce the cost of a new car, **while creating jobs across our nation.**
- When finalized, this rule will be a win for all Americans.

One National Program Rule; SAFE step 1

- The Trump Administration took the first step by revoking California's Federal Waiver on emissions in order to ensure that there is one and only one set of national standards for fuel economy and greenhouse gas emissions. This will produce less expensive cars for the consumer, and because new cars are safer, this action will make the U.S. fleet substantially safer.
- **Today's action will save lives, save money for consumers, and create jobs across our nation.**
- President Trump promised the American people that his Administration would address and correct the current fuel economy and greenhouse gas emissions standards, and today, his Administration is taking steps to fulfill this promise.
- One national standard provides much-needed regulatory certainty for the automotive industry and sets the stage for the Trump Administration's final SAFE rule that will save lives and promote economic growth by reducing the price of new vehicles and helping more Americans purchase newer, cleaner, and safer cars and trucks.

WOTUS

- **Water quality will not be harmed** by EPA and the Army's action last month to repeal the unlawful Obama Administration WOTUS rule.
- The previous administration's 2015 WOTUS rule wasn't about water quality. It was about power – power in the hands of the federal government over farmers, developers, and landowners.
- The 2015 Rule has never been in effect nationwide, and the applicability of the rule has remained in flux due to a shifting set of preliminary injunctions barring implementation of the rule in different states across the country. Over the past year alone, the number of states subject to the 2015 Rule has changed multiple times.
- The final Step 1 rule will end the regulatory patchwork that included implementing two competing Clean Water Act regulations, which created uncertainty across the United States.
- EPA will go forward with finalizing the Step 2 proposal that would give states and tribes more flexibility to determine how best to manage waters within their orders, in accordance with the objective and policies of the Clean Water Act.
- The proposal's new, more precise definition will mean that farmers, land owners, and businesses will spend less time and money determining whether they need a federal permit and more time upgrading aging infrastructure, building homes, creating jobs, and growing crops to feed our families.
- **This action continues President Trump's deregulatory agenda.** Under President Trump, EPA has finalized **46 deregulatory actions**, saving Americans more than **\$4 billion dollars in regulatory costs**. We have an additional 45 actions in development projected to save billions more.

OOOOa

- In August 2019, EPA took an important step toward removing inappropriate regulatory duplication, that aims to save the oil and natural gas industry in the United States millions of dollars in compliance costs.
- This action by EPA responds to President Trump's *Executive Order on Promoting Energy Independence and Economic Growth*. That order directs agencies to review existing regulations that potentially "burden the development or use of domestically produced energy resources," including oil and natural gas, and to rescind or suspend regulatory requirements if appropriate.
- Our proposal seeks to stop burdensome and costly federal regulations impacting the oil and natural gas industry that add extra cost to domestic energy production while providing minimal environmental benefit.
- Oil and gas are valuable resources, and the industry has every incentive to minimize emissions and maximize use.
- Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15 percent.
- Our regulations should not stifle this innovation and progress in an industry that is so vital to the U.S economy.
- **Cost Savings:**

- The bottom line for the industry and our economy is that by rescinding inappropriate duplicate regulations, we'll continue to provide substantial environmental protection while saving the industry millions of dollars.
- Our regulatory impact analysis estimates that the proposed amendments would save the oil and natural gas industry \$17-\$19 million a year, for a total of \$97-\$123 million from 2019 through 2025.

Affordable Clean Energy (ACE)

- One of President Trump's first acts in office was to direct EPA to rescind and replace the Clean Power Plan.
- The CPP would have placed the cost of the previous administration's climate plan on hard-working Americans.
- Earlier this summer we released the final Affordable Clean Energy rule.
- ACE will give states and the private sector the regulatory certainty they need to invest in new technologies and continue to provide affordable and reliable energy.
- When ACE is fully implemented, we expect to see U.S. power sector CO2 emissions fall by as much as 35% below 2005 levels and reductions in sulfur dioxide (SO2), nitrogen oxides (NOx), and particulate matter (PM) emissions.
- Unlike the CPP, our ACE rule adheres to the four corners of the Clean Air Act.
- It gives states the regulatory certainty they need to continue to develop diverse and reliable energy portfolios.
- EPA projects that ACE will result in annual net benefits of anywhere from \$120 million to \$730 million.

Superfund

- In FY 2019, we deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since 2001.
- We believe that a site on the National Priorities List should be just that – a national priority.
- By strengthening the Superfund program, we are breathing new life and new opportunity into disadvantaged communities around the country.
- Promoting Redevelopment and Community Revitalization: The Superfund Task Force has worked hard to increase the number of NPL sites that are returned to communities for redevelopment. In 2018, we made 51 sites ready for their anticipated re-use, the highest total since FY 2013.

PFAS

- Taking action to address per- and polyfluoroalkyl substances (PFAS) is a top priority for the Administrator, EPA leadership and the entire agency.
- The [[HYPERLINK](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fpfas%2Fepas-pfas-action-plan&data=02%7C01%7Cjpagliery%40univision.net%7C03174e1eafc14b53275408d7273585c0%2F&isRedirFromUnsafeLink=1) "https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fpfas%2Fepas-pfas-action-plan&data=02%7C01%7Cjpagliery%40univision.net%7C03174e1eafc14b53275408d7273585c0%2F&isRedirFromUnsafeLink=1"

7C91ff98f7aa664cf39617b5c4f409c51d%7C0%7C0%7C637020984266855480&sdata=N%2FJ7njt yGx2R7AUh158tbDRT9zy2j1nDe%2B2VpqrOBLU%3D&reserved=0"] is the first-ever multi-media, multi-program, national research, management and risk communication plan to address a challenge like PFAS.

- The plan identifies short-term solutions for addressing these chemicals and long-term strategies that will help provide the tools and technologies that states, tribes, and local communities need to provide clean and safe drinking water to their residents and to address PFAS at the source—even before it gets into the water.
- The agency is making progress on the PFAS Action Plan by developing tools and expanding the body of scientific knowledge needed to understand and effectively manage risk from PFAS compounds.
- **Additional Background**
 - For example, the Agency is moving forward with the process to establish a national primary drinking water standard as outlined in the Safe Drinking Water Act (SDWA) for PFOA and PFOS.
 - As the next step in this process, EPA will propose a regulatory determination for PFOA and PFOS by the end of this year and will work through the rulemaking process as expeditiously as possible. The Agency is also gathering and evaluating information to determine if regulation is appropriate for other chemicals in the PFAS family.
 - EPA is also working through the regulatory process for proposing PFOA and PFOS for addition to the list of CERCLA hazardous substances.
 - EPA also has a number of actions currently undergoing interagency review, including:
 - an advanced notice of proposed rulemaking on adding certain PFAS substances to the Toxic Release Inventory; and
 - a supplemental proposed rule on PFAS, which would require manufacturers (including importers) of PFOA and certain PFOA-related chemicals, and processors of these chemicals to notify the EPA before starting or resuming new uses of these chemicals in any products.

Trump Administration Achievements

- Our Nation is blessed with incredible natural resources. Resources that create jobs and improve lives.
- We know that we can extract and use these resources while protecting the environment at the same time. We don't have to choose between one or the other.
 - From 1970 to 2018, the U.S. has reduced the six main criteria air pollutants by 74% while the economy grew over 275%.
 - From 2005 to 2017, the U.S. reduced its energy-related CO2 emissions by 14%.
 - And while these reductions occurred, we became the number one oil and gas producer in the world.
 - In contrast, global energy-related CO2 emissions have increased over roughly 15% since 2005.
- On the water front, we've made similar progress.
 - Today, we are ranked number one in the world for access to clean drinking water.

- In the 1960s, more than 40% of our nation's drinking water systems failed to meet even the most basic health standards.
- Today, over 92% of community water systems meet all health-based standards, all the time.
- We're making tremendous progress cleaning up contaminated lands and hazardous sites.
 - In Fiscal Year 2019, EPA deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since Fiscal Year 2001.

Deregulation:

- Under President Trump, EPA has finalized **46 deregulatory actions**, saving Americans more than **\$4 billion dollars in regulatory costs**.
- We have an additional 45 actions in development projected to save billions more.
- And a recent report found that we exceeded the deregulatory goals of President Trump's two-for-one executive order.
- During his first two years in office, we cut **26 regulations** and created just **four new ones**.

Regulatory Certainty

- I think an effective regulation is one that follows the law and will be held up in courts.
- We are putting forward proposals that follow the authority Congress has given us.
- I think that is the responsible thing for the agency to do.
- I don't think it's responsible with our form of government with three branches, I don't think it's EPA's job to write the legislation on its own.
- We have to follow the statutory constraints Congress has given us, and I think we are doing that under the ACE proposal.

Animal Testing:

- EPA is making significant efforts to reduce, replace and refine its animal testing requirements under both statutory and strategic directives, while ensuring protection of human health and the environment.
- In September, EPA released a draft science policy intended to reduce testing of pesticides on birds when registering conventional outdoor pesticides. The foundation of this policy is EPA's collaboration with People for the Ethical Treatment of Animals (PETA). The draft policy is open for public comment until November 1, 2019.
- EPA is aggressively pursuing significant reductions in the next 5 to 15 years to mammal studies, study requests and funding of this research.
- EPA is also awarding grants for the advancement of research on alternative methods to animal testing.
- Alternatives to traditional animal testing used by EPA will be those that ensure that the Agency's regulatory, compliance, and enforcement activities, including chemical and pesticide approvals and Agency research, remain fully protective of human health and the environment.

- Beginning this year, EPA will hold a joint annual conference on scientific advancements in animal testing alternative methods and to for leaders in this field to share their progress and discuss developments.

Newark Water:

- EPA has a long history of assisting cities including the City of Newark and states across the country to address lead in drinking water.
 - For example, in the past 10 years, Newark has received multiple drinking water State Revolving Fund (DWSRF) loans totaling \$66.5 million.
- The City of Newark, EPA and New Jersey Department of Environmental Protection (NJDEP) have been working together to determine the efficacy of the filters being used to address lead in drinking water in the Newark area.
- Since mid-August, EPA has had technical experts on-the-ground assisting with the collection and analysis of drinking water samples. The agency is also providing regular support to the city and the state, through technical calls and support.
- On September 22, 2019, EPA received a copy of the city's draft report which presented the city's preliminary analysis, findings, and recommendations based on the results from the sampling program.
- EPA's technical experts have carefully reviewed the draft and have worked closely with the city and the state on evaluating the information and providing our technical input.
- EPA intends to provide the Agency's position on the city's final recommendations once the technical team has finished reviewing the document and the report is final.
- EPA is also committed to working with the state and city to support the longer-term solutions for reducing lead in water and ensuring that all residents of Newark have access to safe drinking water.

WIFIA

- Through WIFIA, EPA is playing a leading role in President Trump's efforts to upgrade our nation's infrastructure, create jobs, and safeguard public health and the environment.
- The WIFIA program is a federal loan and guarantee program at the EPA that aims to accelerate investment in the nation's water infrastructure by providing long-term, low-cost, supplemental credit assistance for regionally and nationally significant projects.
- EPA has already closed on 13 WIFIA loans under President Trump, totaling over \$3.5 billion in credit assistance to help finance over \$8 billion for water infrastructure projects and create over 15,000 jobs.

Pesticides

- Feeding the country and feeding the world is essential. The Trump Administration is working hard to ensure U.S. farmers and ranchers have access to the best modern farming technologies so that they can continue to grow strong yields, feed the world and enhance our nation's food security.

- The federal government is working hard to ensure our farmers continue to have access to the safest & most effective pesticides, herbicides, fertilizers— among other important crop protection tools.
- The law requires EPA to review each of the over 700 commercially available registered pesticides and review/ re-register them every 15 years. In FY 2019 alone, we made 75 of these decisions to give farmers and ranchers the clarity they need surrounding the availability of these tools that are vital to production agriculture and ultimately rural economies.
- This is unlike some states across the country, like California, where for politically motivated reasons they have sought to ban scientifically-proven, otherwise safe pesticides that their own farmers and ranchers need in order to stop harmful pests and invasive plant species from ruining their yields.
- In April, we took the next step in the review process for glyphosate.
- We found – as we have before – that glyphosate is not a carcinogen and there are no risks to public health when glyphosate is used in accordance with its current label.
- On a similar front, we extended the registration of dicamba for two years, along with important new label restrictions.
- We tightened the application requirements in order to specifically help mitigate drift issues.

Prop 65/Glyphosate Labeling

- In August, EPA issued guidance to registrants of glyphosate to ensure clarity on labeling of the chemical on their products.
- EPA will no longer approve product labels claiming glyphosate is known to cause cancer – a false claim that does not meet the labeling requirements of the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA).
- The State of California’s much criticized Proposition 65 has led to misleading labeling requirements for products, like glyphosate, because it misinforms the public about the risks they are facing. This action will ensure consumers have correct information, and is based on EPA’s [[HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2009-0361-0073"](https://www.regulations.gov/document?D=EPA-HQ-OPP-2009-0361-0073)].

Chlorpyrifos

- EPA is aware of the recently announced agreement between California and several pesticide manufacturers to cancel many chlorpyrifos products.
- The manufacturers’ decision to stop selling certain products in California does not affect EPA’s registration review process of chlorpyrifos or the federally approved chlorpyrifos label.
- EPA maintains that it has not yet been demonstrated that chlorpyrifos poses an unreasonable risk and the science addressing neurodevelopmental effects remains unresolved.
- EPA is expediting its review of chlorpyrifos and we anticipate a preliminary decision in 2020.

Sulfoxaflor

- **In July 2019**, EPA issued a long-term approval for the insecticide sulfoxaflor— an effective tool to control challenging pests with fewer environmental impacts.
- **This will bring long-term certainty to farmers as EPA had previously been issuing emergency exemptions for its use annually for several years and only for certain crops. Clearly, the full-term registration was warranted and the science backs it up.**
- EPA conducted an extensive risk analysis on this product, including the review of one of the agency's **largest datasets on the effects of a pesticide on bees ever**, EPA has approved the long-term use of sulfoxaflor on alfalfa, corn, cacao, grains (millet, oats), pineapple, sorghum, teff, teosinte, tree plantations, citrus, cotton, cucurbits (squash, cucumbers, watermelons, some gourds), soybeans, and strawberries.

Message

From: Torres.Tomas@epa.gov [Torres.Tomas@epa.gov]
Sent: 9/26/2019 3:38:03 PM
To: Gullatt, Kristin [Gullatt.Kristin@epa.gov]
Subject: Re: EPA Administrator Wheeler calls out California's Environmental Protection Failure

Call me when you're free

Tomas Torres

On Sep 26, 2019, at 8:33 AM, Gullatt, Kristin <Gullatt.Kristin@epa.gov> wrote:

Can you call me when you have a minute?

From: Gullatt, Kristin
Sent: Thursday, September 26, 2019 8:30 AM
To: R9_WTR_MANAGERS <R9_WTR_MANAGERS@epa.gov>; Amato, Paul <Amato.Paul@epa.gov>; Lopez, Mariela <Lopez.Mariela@epa.gov>; Eastman, Tiffany (AKA: Stone) <Eastman.Tiffany@epa.gov>; Curtis, Jamelya <Curtis.Jamelya@epa.gov>; Honor, Lisa <Honor.Lisa@epa.gov>
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

From: EPA Press Office <press@epa.gov>
Sent: Thursday, September 26, 2019 10:30 AM
To: Dennis, Allison <Dennis.Allison@epa.gov>
Subject: EPA Administrator Wheeler calls out California's Environmental Protection Failure



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM

EPA Administrator Wheeler calls out California's Environmental Protection Failure

State's homelessness crisis threatens human health and the environment

WASHINGTON (Sept. 26, 2019) — Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to California Governor Gavin Newsom raising several issues with the state's failure to protect Californians from degraded

water, outlining deficiencies that have led to significant public health concerns in California and the steps the state must take to address them.

“California needs to fulfill its obligation to protect its water bodies and, more importantly, public health, and it should take this letter as notice that EPA is going to insist that it meets its environmental obligations,” **said EPA Administrator Andrew Wheeler.** “If California does not step up to its delegated responsibilities, then EPA will be forced to take action.”

For years, California has pushed policies that have resulted in a homelessness crisis that now threatens human health and the environment, with potential water quality impacts from pathogens and other contaminants from untreated human waste entering nearby waters. California has been responsible for implementing the water discharge permitting program under the Clean Water Act since 1973; however, the state’s recent lack of urgency addressing serious issues in San Francisco resulting from lack of proper oversight and enforcement is concerning. This, among other issues identified in the administrator’s letter, is a failure to properly implement federal programs and has resulted in the subsequent need for more direct EPA oversight to ensure human health and environmental protection.

Administrator Wheeler also raised concerns about the state’s years long approval of the discharges of over 1 billion gallons per year of combined sewage and stormwater into San Francisco Bay and the Pacific Ocean. Despite California having abundant financial resources - which includes a significant tax base and EPA providing over \$1 billion in federal grants and a \$699 million loan through the Water Infrastructure Finance and Innovation Act - San Francisco has not come into compliance with federal clean water standards and must still invest billions of additional dollars to modernize its sewer system.

California has 30 days to provide a written response to EPA outlining in detail how it intends to address the concerns and deficiencies identified in the letter.

To read the full letter, click [here](#).

For more information about EPA’s clean water programs, click [here](#).

<image002.png>



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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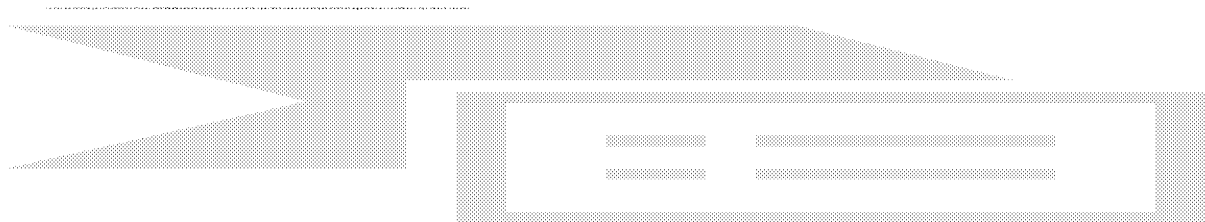
Message

From: Gullatt, Kristin [Gullatt.Kristin@epa.gov]
Sent: 9/26/2019 3:33:44 PM
To: Torres, Tomas [Torres.Tomas@epa.gov]
Subject: FW: EPA Administrator Wheeler calls out California's Environmental Protection Failure

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Washington, D.C. 20004

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Organizer: Wehling, Carrie[Wehling.Carrie@epa.gov]

Location: OGC-WLO-O365-ConferenceLine **Ex. 6** Id **Ex. 6**

Importance: Normal

Start Time: Thur 10/17/2019 4:00:00 PM (UTC)

End Time: Thur 10/17/2019 5:00:00 PM (UTC)

Required Attendees: Uhl, Lisa; Saporita, Chris; Holmes, Carol; Minter, Douglas; Allenbach, Becky; Alvarado, Tina; Sallach, Andrew; Bahk, Benjamin; Baron, Adam; Bates, William; Bearley, Mia; Bergman, Ronald; Biggs, Tonia; Binder, Jonathan; Bolender, Mark; Brainich, Kathelene; Brignoni, Rosa; Bufill, Lourdes; Bush, William; Busterud, Gretchen; Campbell, Rich; Steiner-Riley, Cara; Chin, Lucita; Clark, Jacqueline; Cobb, Wilda; Curley, Michael; Dain, Gregory; Darman, Leslie; Deason, Ken; Deltoral, Miguel; Denawa, Mai; Downing, Jane; Elkins, Timothy; Engelman, Alexa; Evans-Walker, Daria; Feinmark, Phyllis; Fergusson, Bruce; Ford, Peter; Frankenthaler, Douglas; Gambatese, Jason; Garcia, Jefferie; Gillespie, David; Glazer, Thomas; Glowacki, Joanna; Gonzalez, Maria; Griffo, Shannon; Gutierrez, Barbara; Hagler, Tom; Hall, Chelo; Handler, Neil; Harmon, Kenneth; Harris, Jamie S.; Hayden, Melva; Henson, Tucker; Herbert, Rusty; HO, KARLY; Hollimon, Shelia; Huffman, Diane; Jamieson, Cheryl; Jones, Fran; Kahn, Lisa; King, Carol; Klassman, Debra; Kobelski, Bruce; Kraft, Nicole; Kramer, Kim; Kuefler, Janet; Lazos, Pamela; Lensink, Andy; Li, Corine; Lieben, Ivan; Livingston, Peggy; MacDonald, Jennifer; Magnuson, Janet; Makepeace, Caroline; Mastro, Donna; Matsumoto, Kimi; McAuliffe, Mary; McGuire, Karen; McKenna, Douglas; Mindrup, Mary; Moffatt, Brett; Moriarty, Edward; Muehlberger, Christopher; Murdock, Russell; O'Lone, Dan; Parikh, Pooja; Parker, Jennifer; Poy, Thomas; Pringle, Everett; Przyborski, Jay; Rice, Cassandra; Rivera, Nina; Rogers, Harold; Rota, Ken; Ryan, Kevin; Shoven, Heather; Smith, Robert H; Speir, Jeffrey; St-Denis, Francine; Stein, Mark; Stillman, Sarah; Stopper, Nathan; Swenson, Erik; Taheri, Mehdi; Teschner, Sarah; Thurmon, Clarke; Urchel, Raymond; Wagner, Michael; Winiecki, Eric; Yeany, Philip; Zenick, Elliott; Zia, Humane; Wendelowski, Karyn; Kuefler, Patrick; Murphy, Elizabeth Saporita, Chris; Uhl, Lisa; Holmes, Carol; Minter, Douglas; Allenbach, Becky; Alvarado, Tina; Sallach, Andrew; Bahk, Benjamin; Baron, Adam; Bates, William; Bearley, Mia; Bellovary, Chris; Bergman, Ronald; Biggs, Tonia; Binder, Jonathan; Bolender, Mark; Brainich, Kathelene; Brignoni, Rosa; Bufill, Lourdes; Bush, William; Busterud, Gretchen; Campbell, Rich; Steiner-Riley, Cara; Chin, Lucita; Clark, Jacqueline; Cobb, Wilda; Curley, Michael; Dain, Gregory; Darman, Leslie; Deason, Ken; Deltoral, Miguel; Denawa, Mai; Denton, Loren; Downing, Jane; Duross, Jeanne; Elkins, Timothy; Engelman, Alexa; Eppers, Jim; Evans-Walker, Daria; Feinmark, Phyllis; Fergusson, Bruce; Ford, Peter; Frankenthaler, Douglas; Gambatese, Jason; Garcia, Jefferie; Steinbauer, Gary; Gillespie, David; Glazer, Thomas; Glowacki, Joanna; Gonzalez, Maria; Griffo, Shannon; Gutierrez, Barbara; Hagler, Tom; Hall, Chelo; Handler, Neil; Harmon, Kenneth; Harris, Jamie S.; Hayden, Melva; Henson, Tucker; Herbert, Rusty; HO, KARLY; Hollimon, Shelia; Huffman, Diane; Jamieson, Cheryl; Jones, Fran; Kahn, Lisa; King, Carol; Klassman, Debra; Kobelski, Bruce; Kraft, Nicole; Kramer, Kim; Kuefler, Janet; Lazos, Pamela; Lensink, Andy; Li, Corine; Lieben, Ivan; Livingston, Peggy; MacDonald, Jennifer; Magnuson, Janet; Makepeace, Caroline; Mastro, Donna; Matsumoto, Kimi; McAuliffe, Mary; McDonald, Jeffrey; McGuire, Karen; McKenna, Douglas; Mindrup, Mary; Moffatt, Brett; Moriarty, Edward; Muehlberger, Christopher; Murdock, Russell; O'Lone, Dan; Parikh, Pooja; Parker, Jennifer; Poy, Thomas; Pringle, Everett; Przyborski, Jay; Rice, Cassandra; Rivera, Nina; Rogers, Harold; Rota, Ken; Roy, Stephen; Ryan, Kevin; Shoven, Heather; Smith, Robert H; Speir, Jeffrey; St-Denis, Francine; Stein, Mark; Stillman, Sarah; Stopper, Nathan; Swenson, Erik; Taheri, Mehdi; Teschner, Sarah; Thurmon, Clarke; Urchel, Raymond; Wagner, Michael; Winiecki, Eric; Yeany, Philip; Zenick, Elliott; Zia, Humane; Wendelowski, Karyn; Kuefler, Patrick; Murphy, Elizabeth

Optional Attendees: Yocom, Danita; Johnson, Patrick; Shamet, Stefania; Baptista, Chrisna; Viveiros, Edward; Ellenbogen, Victoria; Rog, Morgan; Wilson, Dane; O'Meara, Nidhi; Tierney, Meghan; Armor, Suzanne; Wells, Kimberly; Lopez-Carbo, Maria; Pierce, Jennifer; Bragan, Mary Jo; Moody, Jonathan; Furio, Brooke; Grisby, Erin; Bishlawi, Randa; Grisby, Erin; Bishlawi, Randa; Yocom, Danita; Johnson, Patrick; Shamet, Stefania; Baptista, Chrisna; Viveiros, Edward; Ellenbogen, Victoria; Rog, Morgan; Wilson, Dane; O'Meara, Nidhi; Tierney, Meghan; Armor, Suzanne; Wells, Kimberly; Lopez-Carbo, Maria; Pierce, Jennifer; Bragan, Mary Jo; Moody, Jonathan; Furio, Brooke

[9.26.19 letter-epa.pdf](#)

Agenda for today:

1. LCR proposal, signed 10/10 (Leslie Darman)
2. Update on Denver variance (Leslie Darman and R8)
3. Waterkeeper settlement (Leslie Darman)
4. PFAS legislation update (Carrie)
5. California letter re water programs (Carrie)
6. Anything else folks would like to discuss...

October 9, 2019

Andrew R. Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Wheeler:

As you requested, I am responding to your letter dated September 24, 2019. The California Air Resources Board (CARB) is happy to assist the U.S. Environmental Protection Agency (U.S. EPA) in clearing its State Implementation (SIP) backlog and, in particular, to withdraw SIPs for which U.S. EPA action is no longer needed. Indeed, as you may not have been aware in writing your letter, CARB has been helping U.S. EPA to resolve its administrative backlog for years. In 2014, U.S. EPA reached out to California asking for help with this backlog, and U.S. EPA, CARB, and local air districts agreed on a four-year plan to review, act on, or withdraw SIP submittals for each nonattainment area. Pursuant to this model collaborative process, U.S. EPA, CARB, and local air districts have worked together and cleared over 200 district rules and four attainment SIPs from U.S. EPA's backlog. CARB looks forward to continuing such productive cooperation with U.S. EPA, which is in the interests of U.S. EPA, CARB, the relevant stakeholders, and the public in general.

I am compelled, however, to point out that your letter contains many inaccuracies and misleading statements. Contrary to the letter's suggestion, California has been working diligently for decades to protect its residents from the harmful effects of smog, particles, toxics, and climate-warming pollution as required by the Clean Air Act. Moreover, the SIP backlog discussed in your letter consists of SIPs awaiting action by Regional U.S. EPA staff, and the multi-year delays in acting on California's SIPs are the result of staff shortages, competing administrative priorities, and a lack of clear guidelines emanating from headquarters bureaucracy. Happily, as detailed below, none of your agency's administrative delays have had any impact whatsoever on public health because California has moved ahead with implementation in the absence of U.S. EPA action. Under these circumstances, your sanctions threat is at best unfounded.

CARB was established years before U.S. EPA came into existence. Since then, CARB has led the nation in setting aggressive, effective, and cost-effective emissions standards for cars and trucks, with Congress repeatedly reaffirming its authority as an

innovator and driver of clean air technologies. To reduce emissions for light duty vehicles, California set a hydrocarbon tailpipe emission standard in 1966 and an oxides of nitrogen (NOx) emission tailpipe standard in 1971, ahead of U.S. EPA. Other regulations lowering emissions from light-duty vehicles that California has pioneered include the On-Board Diagnostic regulation beginning in 1988, the Low-Emission Vehicle and Zero-Emission Vehicle programs established in 1990, and the Reformulated Gasoline regulation beginning in 1992.

To reduce emissions from heavy-duty vehicles, California implemented the Clean Diesel Fuel program in 1992, and set low-NOx tailpipe emissions standards from heavy-duty diesel engines beginning in 1994. California anti-idling regulations lowered NOx emissions near schools and other populated destinations beginning in 1998. Solid waste collection vehicle and drayage truck rules, in 2008 and 2010 respectively, lowered emissions from specific occupational vehicles. In 2010, CARB adopted the groundbreaking Truck and Bus Regulation requiring all heavy-duty trucks to be equipped with a 2010 or newer engine by 2023. As Regional Administrator Mike Stoker recognized earlier this month, "Heavy-duty trucks can emit drastically higher levels of pollution when not equipped with required emissions controls. Transport companies must comply with California's rule to improve air quality and protect adjacent communities from breathing these toxic pollutants."¹ "The California Truck and Bus Regulation has been an essential part of the state's federally enforceable plan to attain cleaner air since 2012."²

Your letter incorrectly refers to 82 nonattainment areas in the state, apparently counting a single area repeatedly if it is not in attainment for multiple increasingly stringent standards and pollutants. For example, the letter counts the greater Los Angeles area as nonattainment for ozone four times and once more for fine particulate matter. It also included two tribal areas for which U.S. EPA—not California—is responsible under the Clean Air Act, and these two areas were counted six times. In fact, California has 20 nonattainment areas in total for ozone and fine particulate matter. We still have much work to do, but there is no point in making the task look harder than it already is.

The letter further suggested that most of the SIPs in U.S. EPA's backlog have fundamental approvability issues, state requested holds, missing information or resources. On the contrary, based on our preliminary review, for almost two-thirds of the SIPs U.S. EPA has the information it needs and we are awaiting U.S. EPA's action. Less than 20 items require additional action by CARB or local districts before U.S. EPA

¹ U.S. EPA settles with six companies over California trucking rules, Oct. 2, 2019. News Release, <https://www.epa.gov/newsreleases/us-epa-requires-trucking-companies-reduce-air-pollution-near-los-angeles-schools>.

² *Ibid.*

can act. That work is underway, but is hindered by the lack of clear and consistent U.S. EPA guidelines. For example, many of the SIPs were complete and approvable when submitted, but in 2016 while the SIPs sat with U.S. EPA a court directed U.S. EPA to change its requirements for contingency measures. Because U.S. EPA has yet to complete that task and provide clear directions on contingency measures, many SIPs that were approvable when submitted remain incomplete. Finally, we have also identified about two dozen SIPs that are candidates to withdraw.

The specific examples identified in your letter bear out this analysis. CARB already has asked that one of the six SIPs identified in the letter, the Ventura County SIP for the 1997 8-hour ozone national ambient air quality standards (NAAQS), be withdrawn. CARB made this request on September 16, 2019 and is awaiting U.S. EPA action to remove the SIP from its backlog. Two other SIPs are complete. In September 2019, at U.S. EPA's request, CARB submitted the air district's formal commitment to adopt required contingency measures for the Coachella Valley SIP for the 2008 8-hour ozone NAAQS, and U.S. EPA staff informed CARB that U.S. EPA now has all the information it needs to approve the SIP. Similarly, in August 2019, at U.S. EPA's request CARB provided technical clarifications and a contingency measure commitment for the Ventura County SIP for the 2008 8-hour ozone NAAQS.

The remaining three SIPs identified in your letter are all complete but for the contingency measures required by the 2016 court ruling. On July 24, 2017, one SIP, the Coachella Valley SIP for the 1997 8-hour ozone NAAQS, which was submitted in 2007, was approved except for the contingency element affected by the 2016 court ruling, which U.S. EPA did not take action on. The two remaining SIPs, the Sacramento Metro SIP for the 2008 8-hour NAAQs and the Western Nevada County SIP for the 2008 8-hour ozone NAAQS, were determined to be complete (on June 14, 2018 and June 2, 2019 respectively), and CARB is working with U.S. EPA and the local air districts to provide the contingency measure commitment letter, which is the only remaining element needed to facilitate approval and is expected to be ready in the first quarter of 2020.

Thus, far from showing any pending SIPs with fundamental defects, the examples cited in your letter confirm that CARB has been working with U.S. EPA to resolve its backlog, including the problems created by changes in the law that have occurred while SIPs await action by U.S. EPA.

California Takes Its Responsibility to Implement the Clean Air Act Seriously

In addition to mischaracterizing U.S. EPA's backlog, your letter accuses California of failing to carry out its duties under the Clean Air Act. That is simply false. Since the creation of CARB in 1967, our primary focus has been to reduce air pollution and protect the health of the citizens of California. California has endeavored to fulfill this

responsibility and continues to make significant progress lowering emissions from the largest source of these emissions: mobile sources. Despite an approximately 30 percent increase in the state's vehicle population and vehicle miles traveled since 1990, air quality in the state has dramatically improved:

- In 1990, the entire South Coast region exceeded the 80 parts per billion (ppb) 8-hour ozone standard. Today, we have slashed emissions by over half, ozone concentrations have declined 40 percent, and the number of days when pollution levels exceed the 80 ppb ozone standard has declined by more than 60 percent.
- In the San Joaquin Valley, the area with the most critical particulate matter pollution problem in the nation, PM_{2.5} levels have dropped by approximately 30 percent since 2001, and the entire region now meets the 65 micrograms per cubic meter 24-hour standard that was set in 1997.

This progress is in part the result of special authority given California under the Clean Air Act. Over 50 years ago, Congress granted California the authority to regulate most on-road mobile sources through a waiver from federal preemption based on the severity of California's air quality problems and the extent that emissions from these sources contribute to air pollution in the State. Congress also made clear that CARB and California air districts also have extensive authority over in-use regulations. (42 U.S.C. § 7543). Using this authority, CARB implemented the groundbreaking regulations that I mentioned earlier.

We continue that tradition today with the long-term goal of eliminating harmful motor vehicle emissions by transitioning light- and heavy-duty fleets in the State to zero-emission vehicles. Over the last decade, California has invested over \$5 billion, with nearly \$1 billion in additional appropriations, in programs like the Low Carbon Transportation and Carl Moyer Air Quality Standards Attainment Program, for replacing the dirtiest vehicles and deploying the cleanest technologies, including zero-emissions cars and trucks. CARB also just adopted regulations targeting specific fleets that will foster the growth in cleaner technology. These include the Innovative Clean Transit Regulation, adopted by CARB in 2018, which will reduce NO_x in transit-dependent and disadvantaged communities, and the Zero-Emission Airport Shuttle Bus Regulations, which will increase the penetration of zero-emission heavy-duty technology.

And California is not stopping. In 2020, CARB will act on the Advanced Clean Trucks regulation, which will accelerate the transition of heavy-duty trucks that operate in urban centers with stop-and-go driving cycles to zero-emissions technology that will reduce near-source high emission exposure to harmful pollution and cut costs. Also in 2020, we will be considering a new lower NO_x standard for trucks. Over the next

three years, California will be implementing the requirements of California Senate Bill 1, which will withhold the registration of polluting trucks. Finally, California Senate Bill 210 (Leyva), recently passed by the Legislature and signed by Governor Newsom, requires CARB to establish a first-of-its kind inspection and maintenance program for heavy-duty trucks.

In addition to the impressive work California has done to reduce mobile source emissions, we've also made great strides in reducing emissions from stationary sources. Many of our local air districts have the most stringent stationary source regulations in the country and have achieved substantial emission reductions while continuing California's robust economic growth. For example, in the South Coast Air Quality Management District, NO_x emissions have fallen over 60 percent since 1990, at the same time that region experienced a 30 percent increase in population. However, while we continue to push for state-of-the art controls on stationary sources, the fact of the matter is that further reducing stationary source emissions will pay diminishing dividends absent action on the federal emission sources.

CARB is also pursuing strategies for regions facing especially severe air quality problems. We are considering a number of additional actions to provide the emissions reductions needed to meet the criteria pollutant standards in the South Coast and the San Joaquin Valley creating the most stringent emissions standards in the country, for instance:

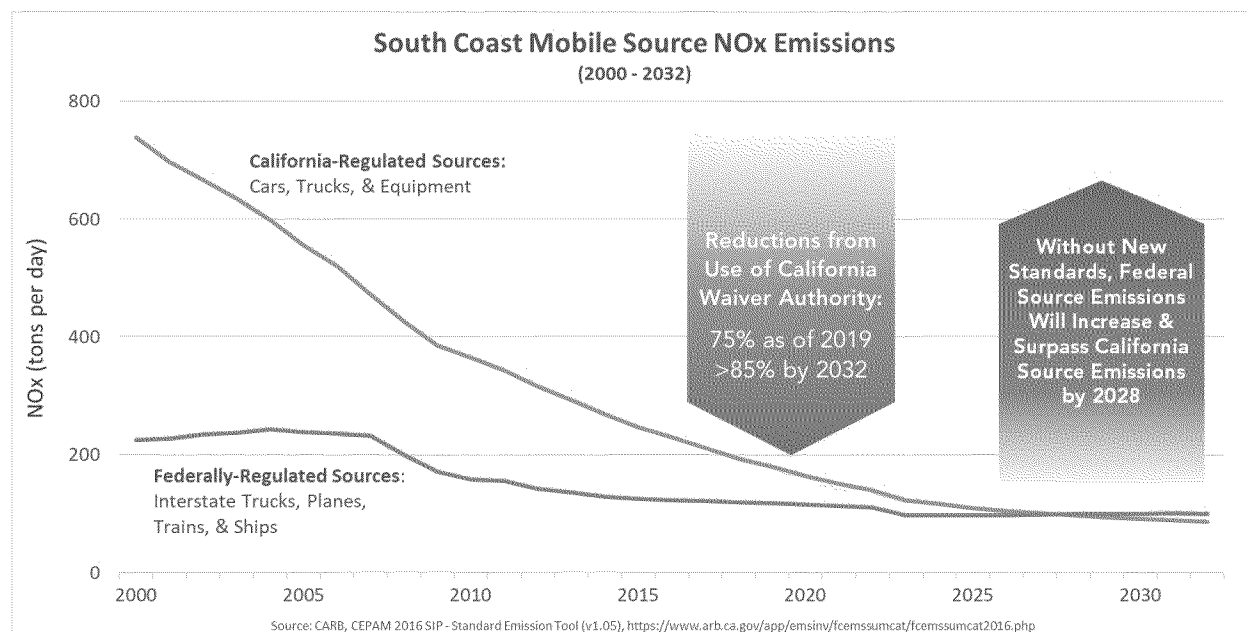
1. A Tier 5 Off-Road Diesel Engine Standard, including more stringent standards to reduce NO_x and fine particulate emissions by up to 90 percent below the current Tier 4 standards, as well as potential requirements to offer for sale off-road vehicles with zero-emission technology.
2. A locomotive emissions reduction measure, requiring that Class 1 railroads set aside funds each year to purchase Tier 4 or cleaner locomotives to address in-use emission, idling, and maintenance activities.
3. Regional strategies to reduce vehicle miles traveled and NO_x emissions.
4. An implementation framework to achieve co-benefits from the electrification of buildings as grid electricity in California transitions to 100 percent clean energy through incentives for early retirement or replacement and new installations of residential and commercial water heating, space heating, and air conditioning appliances with zero or near-zero emission technologies.
5. Integrating land and transportation strategies that through land conservation protect soil-based carbon while providing simultaneous reductions in emissions from transportation.

6. A State green contracting policy—building on Governor Newsom’s recent directive for State government to immediately redouble efforts to reduce greenhouse gas emissions and mitigate the impacts of climate change while building a sustainable, inclusive economy—requiring that contractors purchase the cleanest equipment available in order to be considered for these contracts and that State agencies purchase the cleanest vehicles and equipment that are available.

U.S. EPA Needs to Do Its Job and Protect Air Quality

As shown above, using its authority, including its waiver authority, California has been doing its part to protect air quality. Sadly, U.S. EPA has not done its part.

The stark difference is clearly seen in the figure below. Using our regulatory authority as preserved by Congress, we have reduced NOx emissions from mobile sources we can regulate by approximately 70 percent since 2000. This reduction is projected to grow to 85 percent by 2030. In contrast, due to weak action from U.S. EPA, pollution from sources over which it has been given substantial responsibility—including aircraft, locomotives, ocean-going vessels, and off-road equipment—has been increasing. If this trend continues, by 2030 pollution from these sources will be greater than that from California regulated sources and be responsible for nearly one third of emissions in the South Coast.



Pollution from Sources for Which U.S. EPA Has Responsibility Is Increasing

U.S. EPA recognized the need for federal action in 2019 when it approved California's *2016 State Strategy for the State Implementation Plan*. That SIP outlined specific U.S. EPA actions that were necessary for the greater Los Angeles area to meet federal clean air standards for ozone and particle pollution. These included:

- A federal low-NOx engine standard, to provide 7 tons per day (tpd) of NOx reductions in 2031;
- More stringent locomotive standards achieving 2 tpd of NOx reductions in 2031;
- A Tier 4 Ocean-Going Vessel standard or equivalent for new marine engines on ocean-going vehicles and vessel efficiency requirements for the existing in-use fleet to achieve 38 tpd of NOx reductions; and
- Further deployment of cleaner technologies for aircraft achieving 13 tpd of NOx reductions in 2031.

In total, the U.S. EPA-approved SIP made clear that we need a total of 60 tons per day of NOx reductions in the South Coast alone from sources for which U.S. EPA has the primary responsibility.

CARB and the South Coast Air Quality Management District are using all the tools and authority at our disposal to achieve emissions reductions from these sources in the absence of U.S. EPA action. But U.S. EPA should not hide behind California's efforts and avoid taking action to protect the health of the people you were established to serve. Rather than mischaracterizing U.S. EPA's backlog as the result of California's purported failure to implement the Clean Air Act and threatening to withhold California's transportation funds, it is imperative that U.S. EPA move quickly to do its job and reduce pollution from the sources it has the responsibility to regulate. California is prepared to coordinate with you in all efforts to focus on real actions to reduce emissions and protect people exposed to unhealthful air.

U.S. EPA's Backlog is the Result of U.S. EPA Failing to Take Timely Action

The California SIP backlog is made up of a mix of attainment plans to provide the reductions needed to meet air quality standards, supported by the authority to implement those plans. CARB submits attainment plans and regulations to U.S. EPA for its review and approval. The Clean Air Act requires that U.S. EPA take action on these submittals within 18 months after it receives them. U.S. EPA's backlog of attainment plans, regulations, and rules has been building for decades. U.S. EPA's

backlog is the result of its own failure to take timely action and the circumstances surrounding each submittal, including:

- Submitted rules that U.S. EPA has given lower priority for review based on its limited resources (due, in part, to U.S. EPA staff cuts and hiring freezes);
- Submitted rules that received no action before being later updated by an air district, and so are out of date and no longer governing;
- Submitted SIP elements that U.S. EPA has since concluded are not needed in the SIP, but have taken a lower priority in response to more pressing issues;
- Rules or attainment plans where U.S. EPA has delayed taking action because there is concern over setting national precedent or where U.S. EPA has not yet decided how to address recent court actions that impact the decision.

The average amount of time the remaining SIPs have been awaiting U.S. EPA action is 8 years.

I must emphasize, however, that U.S. EPA's administrative failure has not impeded California's efforts to continue its march towards achieving clean air. Regardless of U.S. EPA's inaction on the SIP submittals, California has not waited to adopt and implement cleaner emissions standards and programs to protect the health of its residents while this process plays out. As evidence of our progress, since the beginning of 2017, California has submitted 14 attainment plans to attain the 75 ppb 8-hour ozone standard and PM2.5 standards, and the air districts have submitted 117 rules to implement those plans.

California Will Continue to Help U.S. EPA Clear its Backlog

We encourage you to work with your dedicated regional staff to streamline your internal procedures to work as efficiently and transparently as possible, so that staff and external parties know what is expected. Much of the delay that you have now acknowledged is a result of vague, confusing or nonexistent guidelines from headquarters. It is past time for U.S. EPA to take seriously the Clean Air Act directive to develop "cooperative" programs with the states to protect the nation's air, and promote "reasonable" federal and state actions, assisting local governments in partnership. (42 U.S.C. § 7401).

As shown above, CARB has been a good partner to U.S. EPA. California has fully met its obligations. In these circumstances—with a decades-long record of state cooperation and innovation on SIPs, steadily improving air quality, and a backlog problem solely of U.S. EPA's making—a threat of disapproval and imposition of

sanctions constitutes an abuse of U.S. EPA authority. As you are doubtless aware, sanctions may be imposed only after extensive notice-and-comment processes and formal disapproval. Even then, the Clean Air Act and controlling U.S. EPA regulations generally direct that sanctions be imposed only after 18 months and if the state does not cure the issue. As a result, since U.S. EPA has not even proposed any such findings, sanctions would not apply until well after U.S. EPA's backlog could be cleared. Moreover, highway sanctions are a disfavored initial option in the rare cases where sanctions are appropriate at all. Far better would be for our agencies to continue to work together to resolve the issue as the sanctions would be wasteful and a direct hit to construction jobs.

CARB remains committed to a partnership in resolving the backlog issue and is prepared to accelerate the process already in place with U.S. EPA staff and the local air districts. This includes devoting more CARB staff to the effort if needed. I have directed CARB staff to review carefully each of the SIPs remaining in U.S. EPA's backlog to determine whether withdrawing any individual submission is appropriate. Because these decisions are fact-specific, any such determinations will need to be made on a case-by-case basis going forward. CARB staff has provided the results of their preliminary review to U.S. EPA staff and is scheduling a meeting to review CARB's assessment and agree on a path to clear U.S. EPA's backlog quickly.

We look forward to working with your staff to develop rules to control sources under your authority, resolving U.S. EPA's backlog in our ongoing pursuit of clean air, and pursuing a cooperative relationship for achieving what must be our shared goal of clean air for all.

Sincerely,



Mary D. Nichols
Chair

cc: The Honorable Diane Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

Richard W. Corey
Executive Officer

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
Cc: Mejias, Melissa[mejias.melissa@epa.gov]
From: Dennis, Allison[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9BF7959058B241FAB18E564E9C957B56-ADENNIS]
Sent: Tue 10/29/2019 9:05:32 PM (UTC)
Subject: FYI- CA letters
[10.25.19CalEPAletter.pdf](#)
[2019-10-01 SF Water-EPA \(CWA Violations\).pdf](#)
[2019-10-09 CARB-EPA \(California SIPs\).pdf](#)

Allison Dennis
Acting Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985
Cell: Ex. 6 Personal Privacy (PP)
Dennis.Allison@epa.gov

Message

From: Sawyers, Andrew [Sawyers.Andrew@epa.gov]
Sent: 10/29/2019 10:23:57 PM
To: Kloss, Christopher [Kloss.Christopher@epa.gov]; Gutierrez, Sally [Gutierrez.Sally@epa.gov]; Shimkin, Martha [Shimkin.Martha@epa.gov]; Lopez-Carbo, Maria [Lopez-Carbo.Maria@epa.gov]; Sylvester, Francis [Sylvester.Francis@epa.gov]; Farris, Erika D. [Farris.Erika@epa.gov]
Subject: Fwd: FYI: latest approved statement re: CA letters
Attachments: 2019-10-01 SF Water-EPA (CWA Violations).pdf; ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: "Dennis, Allison" <Dennis.Allison@epa.gov>
Date: October 29, 2019 at 10:57:16 PM GMT+1
To: "Goodin, John" <Goodin.John@epa.gov>, "Bravo, Antonio" <Bravo.Antonio@epa.gov>, "Santell, Stephanie" <Santell.Stephanie@epa.gov>, "Sawyers, Andrew" <Sawyers.Andrew@epa.gov>, "Schollhamer, Mary" <Schollhamer.Mary@epa.gov>, "Mclain, Jennifer" <Mclain.Jennifer@epa.gov>, "Wadlington, Christina" <Wadlington.Christina@epa.gov>
Subject: FW: FYI: latest approved statement re: CA letters

FYI

From: Dennis, Allison
Sent: Tuesday, October 29, 2019 5:56 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tovar, Katlyn <tovar.katlyn@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Risley, David <Risley.David@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
Subject: FYI: latest approved statement re: CA letters

Thanks, Lee, for the quick turn feedback today. Below is the statement that OPA just shared with media in regards to CA's latest letter (dated 10.25.19, attached.) I also attached the other two letters we have rec'd from California this month.

Desk Statement:

EPA Spokesperson: EPA is reviewing the responses from California to our oversight letters on their failures to comply with the Clean Water Act and the Safe Drinking Water Act, as well as their failure to submit approvable State Implementation Plans that would bring them into attainment with federal air quality standards. Because California has the worst air quality in the nation along with other serious environmental challenges, we stand ready to assist the State in addressing these very serious concerns to ensure the protection of public health and the environment for all Californians. As is evident from the October 2, 2019, Notice of Violation sent to the San Francisco Public Utility Commission, EPA also is ready to step in to address the

approximately one and a half billion gallons of combined sewage annually discharged onto beaches and other sensitive areas, including areas where recreation takes place.

Allison Dennis
Acting Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985
Cell: Ex. 6
Dennis.Allison@epa.gov

To: Sawyers, Andrew[Sawyers.Andrew@epa.gov]
From: Kloss, Christopher[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B69B73BDBC54D8E95C616B40B8B6F1E-KLOSS, CHRISTOPHER]
Sent: Tue 10/29/2019 11:07:30 PM (UTC)
Subject: Re: FYI: latest approved statement re: CA letters

Thanks Andrew. Hope that the trip is going well.

Chris Kloss
US EPA Office of Water
Municipal Branch - Water Permits Division
202-564-1438 (o)

Ex. 6

 (m)

> On Oct 29, 2019, at 6:24 PM, Sawyers, Andrew <Sawyers.Andrew@epa.gov> wrote:
>
> FYI
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> From: "Dennis, Allison" <Dennis.Allison@epa.gov>
> Date: October 29, 2019 at 10:57:16 PM GMT+1
> To: "Goodin, John" <Goodin.John@epa.gov>, "Bravo, Antonio" <Bravo.Antonio@epa.gov>, "Santell, Stephanie" <Santell.Stephanie@epa.gov>, "Sawyers, Andrew" <Sawyers.Andrew@epa.gov>, "Schollhamer, Mary" <Schollhamer.Mary@epa.gov>, "McLain, Jennifer" <McLain.Jennifer@epa.gov>, "Wadlington, Christina" <Wadlington.Christina@epa.gov>
> Subject: FW: FYI: latest approved statement re: CA letters
>
> FYI
>
> From: Dennis, Allison
> Sent: Tuesday, October 29, 2019 5:56 PM
> To: Forsgren, Lee <Forsgren.Lee@epa.gov>
> Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Tovar, Katlyn <tovar.katlyn@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Mejias, Melissa <mejias.melissa@epa.gov>; Risley, David <Risley.David@epa.gov>; Gordon, Brittney <Gordon.Brittney@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>
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>

>

> Allison Dennis

> Acting Communications Director

> Office of Water

> U.S. Environmental Protection Agency

> Office: 202-564-1985

> Cell: Ex. 6

> Dennis.Allison@epa.gov

>

>

>>

>> <2019-10-09 CARB-EPA (California SIPs).pdf>

To: Goodin, John[Goodin.John@epa.gov]; Bravo, Antonio[Bravo.Antonio@epa.gov]; Santell, Stephanie[Santell.Stephanie@epa.gov]; Sawyers, Andrew[Sawyers.Andrew@epa.gov]; Schollhamer, Mary[Schollhamer.Mary@epa.gov]; Mclain, Jennifer[Mclain.Jennifer@epa.gov]; Wadlington, Christina[Wadlington.Christina@epa.gov]
From: Dennis, Allison[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9BF7959058B241FAB18E564E9C957B56-ADENNIS]
Sent: Tue 10/29/2019 9:57:12 PM (UTC)
Subject: FW: FYI: latest approved statement re: CA letters
[10.25.19CalEPAletter.pdf](#)
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[2019-10-09 CARB-EPA \(California SIPs\).pdf](#)

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Sent: Tuesday, October 29, 2019 5:56 PM
To: Forsgren, Lee <Forsgren.Lee@epa.gov>
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Allison Dennis
Acting Communications Director
Office of Water
U.S. Environmental Protection Agency
Office: 202-564-1985
Cell: Ex. 6
Dennis.Allison@epa.gov

EPA Hot Topics

Updated: October 18, 2019

Impeachment:

- I believe the President will be fully exonerated, as he has been with all other House Democrat investigations.
- I'm focused on the mission of the Agency of protecting human health and the environment. House Democrats should focus on what's best for the nation and not another meritless investigation.

Climate Change

- At EPA, we are addressing Climate Change, and as a Nation, we continue to grow our economy, while also protecting our environment.
- Here in the U.S., our fossil fuels are extracted and produced in one of the most environmentally conscious manners in the world.
- From 2005 to 2017, total U.S. energy-related CO2 emissions fell by **14 percent**, while the U.S. became the number one energy producer in the world.
- In contrast, global energy-related CO2 emissions increased over 20 percent.
- And since 1990, U.S. natural gas production has **more than doubled**.
- Over that period, methane emissions from natural gas production **fell by over 16 percent**.
- From 1990 to 2018, annual emissions of sulfur dioxide (SO2) from coal-fired power plants fell by over **90 percent** while emissions of (nitrogen oxides) NOx fell by over **80 percent**. And in the past decade alone, mercury emissions from power plants have decreased by nearly **90 percent**.

Climate Science/Advisory Boards:

- EPA is committed to scientific integrity and transparency.
- EPA has the utmost confidence in its career scientist and the members on its science advisory boards and panels.
- EPA routinely takes comments from the public and outside organizations, including those not employed or associated with EPA.
- The Agency will continue to take into consideration those comments that meet our scientific standards.

UN Climate Report:

- The administration is currently reviewing the report, and I would recommend reaching out to the State Department as this is a U.N. report.
- In terms of what the Trump administration is currently doing, we've finalized the ACE rule which will reduce GHG emissions in the power sector by as much as 35 percent below 2005 levels.
- The Energy Information Administration's short-term outlook just released projects that U.S. energy-related carbon dioxide (CO2) emissions will decline by 2.3% in 2019 and by 0.5% in 2020. EPA's report is due out next year.
- From 2005 to 2017, the U.S. reduced its energy-related CO2 emissions by 14 percent.

- In contrast, global energy-related CO2 emissions have increased over 20 percent since 2005.
- This is in addition to our overall air quality which has seen from 1970 to 2018, the combined emissions of the six criteria pollutants dropped by 74 percent, while the U.S. economy grew by nearly 275 percent.
- Emissions of all key air pollutants dropped between 2016 and 2018, and lead and sulfur dioxide concentrations dropped by double-digit percentages during the same period.

NCA RCP 8.5:

- In a 2015 memo, the Obama administration's political appointees directed the National Climate Assessment by stating "NCA 4 will focus on RCP 8.5 as a high-end scenario and RCP 4.5 as a low-end scenario."
- **WHEELER:** "I think a lot of the worst-case scenario information in that assessment is what's concerning a lot of people in this administration... I don't think the assessment really took into account the innovation that we've seen and the technological advancement that we've seen in recent years. It basically freezes technology going forward." ([[HYPERLINK "https://thehill.com/policy/energy-environment/418639-epa-chief-criticizes-climate-report-over-worst-case-scenario"](https://thehill.com/policy/energy-environment/418639-epa-chief-criticizes-climate-report-over-worst-case-scenario)], 11/28/18)

Air Quality

- According to the World Health Organization, the U.S. has some of the lowest fine particulate matter levels in the world.
 - U.S. fine particulate matter levels are five times below the global average, seven times below Chinese levels, and well below France, Germany, Mexico, and Russia.
- Much of this progress has taken place in low-income counties across the country.
- Based on the most recent monitoring data from 2017, 86% of low-income counties were in attainment with EPA's National Ambient Air Quality Standards (NAAQS), compared to 43% in 2008.
- We are helping areas across the nation reduce air pollution and meet the nation's air quality standards.
- By doing so, many regions across the country are moving from non-attainment to attainment.
- This is breathing new life into the local economy by alleviating a major regulatory burden.

Paris Climate Agreement

- The U.S. position with respect to the Paris Agreement has not changed. The U.S. intends to withdraw from the Paris Agreement, absent the identification of terms for participation more favorable to the U.S.
- For most countries that sign the Paris Agreement, there are no negative consequences if they don't meet the targets.

Executive Orders on Guidance and Enforcement

- EPA strongly supports transparency and fairness. These two executive orders provide us with the opportunity to institutionalize reforms we are already implementing at the Agency. For example, the Office of Water has already completed a review of its guidance documents, including draft guidance that had never been finalized, even after 10 or more years. The Office of Enforcement and Compliance Assurance has already refreshed and expanded EPA's self-audit programs, the encourage companies to return to compliance more quickly.

Lead and Copper Rule

- As part of Children’s Health Month, the U.S. Environmental Protection Agency (EPA) is announcing a proposed rule that significantly improves the actions that water systems have to take to reduce lead in the nation’s drinking water.
- This action represents the first major overhaul of the Lead and Copper Rule since 1991 and marks a critical step in advancing the Trump Administration’s Federal Action Plan to Reduce Childhood Lead Exposures.
- Although we have made tremendous progress in removing lead from our nation’s drinking water, some children and communities are still being exposed to lead.
- EPA is delivering on President Trump’s commitment to ensure all Americans have access to safe and clean water by proposing a new Lead and Copper Rule that requires action sooner, increases transparency, and safeguards our children and most at-risk communities.
- In conjunction with releasing the proposed rule, EPA and the Department of Housing and Urban Development have launched a new website that summarizes available federal programs that help finance or fund lead service line replacement. The new resource also includes case studies demonstrating how cities and states have successfully leveraged federal resources to support lead service lines (LSLs) replacement projects.
- The agency’s proposal takes a proactive and holistic approach to improving the current rule—from testing to treatment to telling the public about the levels and risks of lead in drinking water.
- The proposal focuses on six key areas. Under the proposal, a community water system would be required to take new actions, including, but not limited to:
 - **1) identifying the most impacted areas** by requiring water systems to complete and maintain a publicly-available inventory of the LSLs at homes and requiring water systems to “find-and-fix” sources of lead when a sample in the home exceeds 15 parts per billion (ppb).
 - **2) strengthening drinking water treatment** by requiring corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb. Water systems will also be required to “find-and-fix” sources of lead by adjusting treatment or water chemistry when a sample in the home exceeds 15 ppb.
 - **3) replacing lead service lines** by requiring water systems to replace the water system-owned portion of an LSL when a customer chooses to replace their portion of the line. Additionally, depending on their level above the trigger level, systems would be required take LSL replacement actions, as described below.
 - **4) increasing drinking water sampling reliability** by requiring water systems to follow new, improved sampling procedures and rethink sampling sites to better target higher lead levels.
 - **5) improving risk communication to customers** by requiring water systems to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Water systems will also be required to conduct regular outreach to the homeowners with LSLs.
 - **6) better protecting children in schools and child care facilities** by requiring water systems to take drinking water samples from the schools and child care facilities served by the system.

LCR Proposed Rule: 3% vs 7%:

- Press reports that claim EPA's new proposal would require fewer lead service line replacements are simply not true.
- What's important is that the new proposal closes loopholes and strengthens requirements to ensure that more lead service lines are replaced and more people are protected, especially in neighborhoods that need it most.
- One of the most significant improvements to the current rule is to ensure replacements are actually happening on the ground and making a difference to public health.
- EPA has found that the existing rule's 7% replacement rate is rarely occurring due to weaknesses in the current rule. For instance, water systems today can use the "test out" provisions of the current rule which allows a system to count the line as replaced if a sample is below 15 parts per billion—even when no replacement construction has actually happened.
- This would no longer be allowed.
- Another example: today, water systems can stop their lead service line replacement programs after one year or less once they are below the action level.
- The proposed rule requires water systems that fall under the rule's mandatory 3% replacement program to have lead levels less than the 15 ppb action level for two years prior to ending its replacement program.

RFS Supplemental

- EPA recently announced that President Trump successfully negotiated an agreement on the Renewable Fuel Standard (RFS).
- Under this agreement, the following actions will be undertaken by EPA and USDA:
- EPA proposed and is requesting public comment on expanding biofuel requirements beginning in 2020 to ensure that a net of 15 billion gallons of conventional ethanol are blended into the nation's fuel supply and to ensure the volume obligation for biomass-based biodiesel is met.
- Specifically, this supplemental notice requests comment on the following:
 - Adjustments to the percentage standards for 2020 RVOs for gasoline and diesel fuel projected to be produced by exempt small refineries.
 - EPA's proposal to effectively increase the percentage standards that apply to non-exempt obligated parties to offset future small refinery exemptions based upon a calculation derived using a three-year average of the relief recommended by the Department of Energy for, alternatively, the 2015-2017 and 2016-2018 compliance years.
- Consistent with the Clean Air Act, the supplemental notice seeks to balance the goal of the RFS of maximizing the use of renewables while following the law and sound process while at the same time providing relief to small refineries that demonstrate hardship, as Congress directed.
- The supplemental notice of proposed rulemaking builds upon the President's earlier decision to allow year-round sales of E15. EPA will initiate a rulemaking process to streamline labeling and remove other perceived barriers to the sale of E15. In addition to this supplemental notice, EPA will continue to evaluate options for RIN market transparency and reform, and USDA will pursue opportunities through the budget process

to consider infrastructure projects to facilitate higher biofuel blends. The Administration will continue to work to address ethanol and biodiesel trade issues.

- Under the agreement with President Trump, USDA will seek opportunities through the budget process to consider infrastructure projects to facilitate higher biofuel blends.
- The Administration will continue to work to address ethanol and biodiesel trade issues.
- Since taking office in 2017, the Trump Administration has enacted tax and regulatory policies that have helped make America energy dominant.
- The Administration has cut burdensome red tape through deregulation, including signing a record number of Congressional Review Act (CRA) legislation, repealing the 2015 Waters of the United States (WOTUS) rule, reforming the Section 401 process under the Clean Water Act, proposing a new methane rule, and removing the U.S. from the job-killing Paris Climate Accord.
- EPA will continue to consult with our federal partners on the best path forward to ensure stability in the Renewable Fuel Standard.
- The Trump Administration has overseen year-over-year increases in domestic fuel ethanol production, to the highest level in history and [[HYPERLINK "https://www.eia.gov/todayinenergy/detail.php?id=39212"](https://www.eia.gov/todayinenergy/detail.php?id=39212)].

California:

- Highlighting that California has the worst air quality in the nation along with other serious environmental problems is not a political issue. The Trump Administration, unlike the previous administration, will act to protect public health and the environment for all Americans.
- California's challenges with compliance with the Safe Drinking Water Act have been an ongoing concern since they were brought to my attention at the Energy & Commerce hearing back in March.
- Congresswoman Barragan raised serious concerns to me at that hearing about the drinking water in Compton, and subsequently I asked the Office of Water to look into the issue. The Congresswoman only gave me the opportunity to answer 2 "yes or no" questions, so I wasn't able to explain to her at the time that oversight of the Compton system is a program that had been delegated to the State of California under the Safe Drinking Water Act, and that therefore the State is the first line of defense.
- EPA has been reviewing several issues that were identified as a result of the follow-up to the Congresswoman's questions about the State of California's implementation of our Nation's water laws. Those issues were the basis for our September 26th letter.

San Francisco Notice of Violation:

- The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State raising concerns regarding their implementation of the Clean Water Act and the Safe Drinking Water Act.
- EPA oversight of a State's program implementation and EPA oversight or enforcement actions against a regulated entity within a state are completely separate issues.
- On Wednesday, October 2, EPA notified the San Francisco Public Utilities Commission, a regulated entity, that EPA has identified violations of the City and County of San Francisco's National Pollutant Discharge Elimination System permits regulating discharges from the city's wastewater treatment plants, 36 combined sewer discharge facilities and its combined

sewer system. The identified violations are based on inspections and field visits in 2015 and 2016, and additional information, such as monitoring data that was gathered after the inspection.

- **As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks.**
- For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean.
- EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance.

CA Water Oversight Letter

- On Thursday, September 26, EPA sent a letter to Governor Newsom outlining deficiencies in the State of California's implementation of the Clean Water Act and the Safe Drinking Water Act, and how those deficiencies may be failing to protect Californians from degraded water.
- The letter outlines deficiencies in the State's oversight of the Clean Water Act and the Safe Drinking Water Act programs that have led to significant public health concerns in California and the steps the state must take to address them.
- EPA is aware of and highlighted to the state numerous recent health-based exceedances under the Safe Drinking Water Act.
- These exceedances call into question the State's commitment to protect the public and administer its SDWA programs in a manner consistent with federal requirements.
- EPA is also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the homeless crisis is likely having adverse impacts on the environment.
- The EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.
- In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, EPA is asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

CA Air Oversight Letter

- Tuesday, September 24, EPA sent a letter to California Air Resources Board Chair Mary Nichols requesting the state withdrawal its backlog and unapproved State Implementation Plans, and work with EPA to develop complete approvable SIPs.
- Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States with 82 areas that don't attain National Ambient Air Quality Standards affecting 34 million people living in these areas, more than twice as many people than any other state in the country.
- The state of California represents a disproportionate share of the national list of backlog SIPs, roughly one-third of EPA's overall SIP backlog.
- California's total portion of the SIP backlog is more than 100 with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability.

- In the event California fails to withdraw these SIPs, EPA will begin the disapproval process for individual plans which triggers statutory clocks for three things: highway funding sanctions; new source review permitting sanctions; a deadline for the issuance of a federal implementation plan for the area.
- When President Trump took office, EPA inherited 700 SIPs from the previous administration, we've taken action on over 400. Additionally, EPA has converted a FIP to SIP once a month since March 2017, and the EPA will continue to work diligently with the States to ensure they have approvable SIPs.
- EPA received an initial response from CARB and will ensure progress is being made on improving air quality in California. EPA stands ready to work with California to meet the administration's goal of clean healthy air for all Americans.

SAFE

- The SAFE vehicle rule is a top priority for EPA and the Trump Administration. EPA and NHTSA career and political staff have been and continue to work diligently through the OMB review process to finalize the rule.
- When implemented, the rule will benefit all Americans by improving the U.S. fleet's fuel economy, reducing air pollution, and making new vehicles more affordable for all Americans.
- **As new vehicles are safer than ever**, ultimately, the SAFE rule will save lives and reduce the cost of a new car, **while creating jobs across our nation.**
- When finalized, this rule will be a win for all Americans.

One National Program Rule; SAFE step 1

- The Trump Administration took the first step by revoking California's Federal Waiver on emissions in order to ensure that there is one and only one set of national standards for fuel economy and greenhouse gas emissions. This will produce less expensive cars for the consumer, and because new cars are safer, this action will make the U.S. fleet substantially safer.
- **Today's action will save lives, save money for consumers, and create jobs across our nation.**
- President Trump promised the American people that his Administration would address and correct the current fuel economy and greenhouse gas emissions standards, and today, his Administration is taking steps to fulfill this promise.
- One national standard provides much-needed regulatory certainty for the automotive industry and sets the stage for the Trump Administration's final SAFE rule that will save lives and promote economic growth by reducing the price of new vehicles and helping more Americans purchase newer, cleaner, and safer cars and trucks.

WOTUS

- **Water quality will not be harmed** by EPA and the Army's action last month to repeal the unlawful Obama Administration WOTUS rule.
- The previous administration's 2015 WOTUS rule wasn't about water quality. It was about power – power in the hands of the federal government over farmers, developers, and landowners.

- The 2015 Rule has never been in effect nationwide, and the applicability of the rule has remained in flux due to a shifting set of preliminary injunctions barring implementation of the rule in different states across the country. Over the past year alone, the number of states subject to the 2015 Rule has changed multiple times.
- The final Step 1 rule will end the regulatory patchwork that included implementing two competing Clean Water Act regulations, which created uncertainty across the United States.
- EPA will go forward with finalizing the Step 2 proposal that would give states and tribes more flexibility to determine how best to manage waters within their orders, in accordance with the objective and policies of the Clean Water Act.
- The proposal's new, more precise definition will mean that farmers, land owners, and businesses will spend less time and money determining whether they need a federal permit and more time upgrading aging infrastructure, building homes, creating jobs, and growing crops to feed our families.
- **This action continues President Trump's deregulatory agenda.** Under President Trump, EPA has finalized **46 deregulatory actions**, saving Americans more than **\$4 billion dollars in regulatory costs**. We have an additional 45 actions in development projected to save billions more.

OOOOa

- In August 2019, EPA took an important step toward removing inappropriate regulatory duplication, that aims to save the oil and natural gas industry in the United States millions of dollars in compliance costs.
- This action by EPA responds to President Trump's *Executive Order on Promoting Energy Independence and Economic Growth*. That order directs agencies to review existing regulations that potentially "burden the development or use of domestically produced energy resources," including oil and natural gas, and to rescind or suspend regulatory requirements if appropriate.
- Our proposal seeks to stop burdensome and costly federal regulations impacting the oil and natural gas industry that add extra cost to domestic energy production while providing minimal environmental benefit.
- Oil and gas are valuable resources, and the industry has every incentive to minimize emissions and maximize use.
- Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15 percent.
- Our regulations should not stifle this innovation and progress in an industry that is so vital to the U.S economy.
- **Cost Savings:**
 - The bottom line for the industry and our economy is that by rescinding inappropriate duplicate regulations, we'll continue to provide substantial environmental protection while saving the industry millions of dollars.
 - Our regulatory impact analysis estimates that the proposed amendments would save the oil and natural gas industry \$17-\$19 million a year, for a total of \$97-\$123 million from 2019 through 2025.

Affordable Clean Energy (ACE)

- One of President Trump's first acts in office was to direct EPA to rescind and replace the Clean Power Plan.
- The CPP would have placed the cost of the previous administration's climate plan on hard-working Americans.
- Earlier this summer we released the final Affordable Clean Energy rule.
- ACE will give states and the private sector the regulatory certainty they need to invest in new technologies and continue to provide affordable and reliable energy.
- When ACE is fully implemented, we expect to see U.S. power sector CO2 emissions fall by as much as 35% below 2005 levels and reductions in sulfur dioxide (SO2), nitrogen oxides (NOx), and particulate matter (PM) emissions.
- Unlike the CPP, our ACE rule adheres to the four corners of the Clean Air Act.
- It gives states the regulatory certainty they need to continue to develop diverse and reliable energy portfolios.
- EPA projects that ACE will result in annual net benefits of anywhere from \$120 million to \$730 million.

Superfund

- In FY 2019, we deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since 2001.
- We believe that a site on the National Priorities List should be just that – a national priority.
- By strengthening the Superfund program, we are breathing new life and new opportunity into disadvantaged communities around the country.
- Promoting Redevelopment and Community Revitalization: The Superfund Task Force has worked hard to increase the number of NPL sites that are returned to communities for redevelopment. In 2018, we made 51 sites ready for their anticipated re-use, the highest total since FY 2013.

PFAS

- Taking action to address per- and polyfluoroalkyl substances (PFAS) is a top priority for the Administrator, EPA leadership and the entire agency.
- The [[HYPERLINK](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fpfas%2Fepas-pfas-action-plan&data=02%7C01%7Cjpagliery%40univision.net%7C03174e1eafc14b53275408d7273585c0%7C91ff98f7aa664cf39617b5c4f409c51d%7C0%7C0%7C637020984266855480&sdata=N%2FJ7njtyGx2R7AUh158tbDRT9zy2j1nDe%2B2VpqrOBLU%3D&reserved=0) "https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fpfas%2Fepas-pfas-action-plan&data=02%7C01%7Cjpagliery%40univision.net%7C03174e1eafc14b53275408d7273585c0%7C91ff98f7aa664cf39617b5c4f409c51d%7C0%7C0%7C637020984266855480&sdata=N%2FJ7njtyGx2R7AUh158tbDRT9zy2j1nDe%2B2VpqrOBLU%3D&reserved=0"] is the first-ever multi-media, multi-program, national research, management and risk communication plan to address a challenge like PFAS.
- The plan identifies short-term solutions for addressing these chemicals and long-term strategies that will help provide the tools and technologies that states, tribes, and local communities need to provide clean and safe drinking water to their residents and to address PFAS at the source—even before it gets into the water.
- The agency is making progress on the PFAS Action Plan by developing tools and expanding the body of scientific knowledge needed to understand and effectively manage risk from PFAS compounds.

- **Additional Background**

- For example, the Agency is moving forward with the process to establish a national primary drinking water standard as outlined in the Safe Drinking Water Act (SDWA) for PFOA and PFOS.
- As the next step in this process, EPA will propose a regulatory determination for PFOA and PFOS by the end of this year and will work through the rulemaking process as expeditiously as possible. The Agency is also gathering and evaluating information to determine if regulation is appropriate for other chemicals in the PFAS family.
- EPA is also working through the regulatory process for proposing PFOA and PFOS for addition to the list of CERCLA hazardous substances.
- EPA also has a number of actions currently undergoing interagency review, including:
 - an advanced notice of proposed rulemaking on adding certain PFAS substances to the Toxic Release Inventory; and
 - a supplemental proposed rule on PFAS, which would require manufacturers (including importers) of PFOA and certain PFOA-related chemicals, and processors of these chemicals to notify the EPA before starting or resuming new uses of these chemicals in any products.

Trump Administration Achievements

- Our Nation is blessed with incredible natural resources. Resources that create jobs and improve lives.
- We know that we can extract and use these resources while protecting the environment at the same time. We don't have to choose between one or the other.
 - From 1970 to 2018, the U.S. has reduced the six main criteria air pollutants by 74% while the economy grew over 275%.
 - From 2005 to 2017, the U.S. reduced its energy-related CO2 emissions by 14%.
 - And while these reductions occurred, we became the number one oil and gas producer in the world.
 - In contrast, global energy-related CO2 emissions have increased over roughly 15% since 2005.
- On the water front, we've made similar progress.
 - Today, we are ranked number one in the world for access to clean drinking water.
 - In the 1960s, more than 40% of our nation's drinking water systems failed to meet even the most basic health standards.
 - Today, over 92% of community water systems meet all health-based standards, all the time.
- We're making tremendous progress cleaning up contaminated lands and hazardous sites.
 - In Fiscal Year 2019, EPA deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since Fiscal Year 2001.

Deregulation:

- Under President Trump, EPA has finalized **46 deregulatory actions**, saving Americans more than **\$4 billion dollars in regulatory costs**.
- We have an additional 45 actions in development projected to save billions more.

- And a recent report found that we exceeded the deregulatory goals of President Trump's two-for-one executive order.
- During his first two years in office, we cut **26 regulations** and created just **four new ones**.

Regulatory Certainty

- I think an effective regulation is one that follows the law and will be held up in courts.
- We are putting forward proposals that follow the authority Congress has given us.
- I think that is the responsible thing for the agency to do.
- I don't think it's responsible with our form of government with three branches, I don't think it's EPA's job to write the legislation on its own.
- We have to follow the statutory constraints Congress has given us, and I think we are doing that under the ACE proposal.

Animal Testing:

- EPA is making significant efforts to reduce, replace and refine its animal testing requirements under both statutory and strategic directives, while ensuring protection of human health and the environment.
- In September, EPA released a draft science policy intended to reduce testing of pesticides on birds when registering conventional outdoor pesticides. The foundation of this policy is EPA's collaboration with People for the Ethical Treatment of Animals (PETA). The draft policy is open for public comment until November 1, 2019.
- EPA is aggressively pursuing significant reductions in the next 5 to 15 years to mammal studies, study requests and funding of this research.
- EPA is also awarding grants for the advancement of research on alternative methods to animal testing.
- Alternatives to traditional animal testing used by EPA will be those that ensure that the Agency's regulatory, compliance, and enforcement activities, including chemical and pesticide approvals and Agency research, remain fully protective of human health and the environment.
- Beginning this year, EPA will hold a joint annual conference on scientific advancements in animal testing alternative methods and to for leaders in this field to share their progress and discuss developments.

Newark Water:

- EPA has a long history of assisting cities including the City of Newark and states across the country to address lead in drinking water.
 - For example, in the past 10 years, Newark has received multiple drinking water State Revolving Fund (DWSRF) loans totaling \$66.5 million.
- The City of Newark, EPA and New Jersey Department of Environmental Protection (NJDEP) have been working together to determine the efficacy of the filters being used to address lead in drinking water in the Newark area.
- Since mid-August, EPA has had technical experts on-the-ground assisting with the collection and analysis of drinking water samples. The agency is also providing regular support to the city and the state, through technical calls and support.

- On September 22, 2019, EPA received a copy of the city's draft report which presented the city's preliminary analysis, findings, and recommendations based on the results from the sampling program.
- EPA's technical experts have carefully reviewed the draft and have worked closely with the city and the state on evaluating the information and providing our technical input.
- EPA intends to provide the Agency's position on the city's final recommendations once the technical team has finished reviewing the document and the report is final.
- EPA is also committed to working with the state and city to support the longer-term solutions for reducing lead in water and ensuring that all residents of Newark have access to safe drinking water.

WIFIA

- Through WIFIA, EPA is playing a leading role in President Trump's efforts to upgrade our nation's infrastructure, create jobs, and safeguard public health and the environment.
- The WIFIA program is a federal loan and guarantee program at the EPA that aims to accelerate investment in the nation's water infrastructure by providing long-term, low-cost, supplemental credit assistance for regionally and nationally significant projects.
- EPA has already closed on 13 WIFIA loans under President Trump, totaling over \$3.5 billion in credit assistance to help finance over \$8 billion for water infrastructure projects and create over 15,000 jobs.

Pesticides

- Feeding the country and feeding the world is essential. The Trump Administration is working hard to ensure U.S. farmers and ranchers have access to the best modern farming technologies so that they can continue to grow strong yields, feed the world and enhance our nation's food security.
- The federal government is working hard to ensure our farmers continue to have access to the safest & most effective pesticides, herbicides, fertilizers— among other important crop protection tools.
- The law requires EPA to review each of the over 700 commercially available registered pesticides and review/ re-register them every 15 years. In FY 2019 alone, we made 75 of these decisions to give farmers and ranchers the clarity they need surrounding the availability of these tools that are vital to production agriculture and ultimately rural economies.
- This is unlike some states across the country, like California, where for politically motivated reasons they have sought to ban scientifically-proven, otherwise safe pesticides that their own farmers and ranchers need in order to stop harmful pests and invasive plant species from ruining their yields.
- In April, we took the next step in the review process for **glyphosate**.
- We found – as we have before – that glyphosate is not a carcinogen and there are no risks to public health when glyphosate is used in accordance with its current label.
- On a similar front, we extended the registration of **dicamba** for two years, along with important new label restrictions.
- We tightened the application requirements in order to specifically help mitigate drift issues.

Prop 65/Glyphosate Labeling

- In August, EPA issued guidance to registrants of glyphosate to ensure clarity on labeling of the chemical on their products.
- EPA will no longer approve product labels claiming glyphosate is known to cause cancer – a false claim that does not meet the labeling requirements of the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA).
- The State of California's much criticized Proposition 65 has led to misleading labeling requirements for products, like glyphosate, because it misinforms the public about the risks they are facing. This action will ensure consumers have correct information, and is based on EPA's [[HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2009-0361-0073"](https://www.regulations.gov/document?D=EPA-HQ-OPP-2009-0361-0073)].

Chlorpyrifos

- EPA is aware of the recently announced agreement between California and several pesticide manufacturers to cancel many chlorpyrifos products.
- The manufacturers' decision to stop selling certain products in California does not affect EPA's registration review process of chlorpyrifos or the federally approved chlorpyrifos label.
- EPA maintains that it has not yet been demonstrated that chlorpyrifos poses an unreasonable risk and the science addressing neurodevelopmental effects remains unresolved.
- EPA is expediting its review of chlorpyrifos and we anticipate a preliminary decision in 2020.

Sulfoxaflor

- **In July 2019**, EPA issued a long-term approval for the insecticide sulfoxaflor— an effective tool to control challenging pests with fewer environmental impacts.
- **This will bring long-term certainty to farmers as EPA had previously been issuing emergency exemptions for its use annually for several years and only for certain crops. Clearly, the full-term registration was warranted and the science backs it up.**
- EPA conducted an extensive risk analysis on this product, including the review of one of the agency's **largest datasets on the effects of a pesticide on bees ever**, EPA has approved the long-term use of sulfoxaflor on alfalfa, corn, cacao, grains (millet, oats), pineapple, sorghum, teff, teosinte, tree plantations, citrus, cotton, cucurbits (squash, cucumbers, watermelons, some gourds), soybeans, and strawberries.

EPA Hot Topics

Updated: October 18, 2019

Impeachment:

- I believe the President will be fully exonerated, as he has been with all other House Democrat investigations.
- I'm focused on the mission of the Agency of protecting human health and the environment. House Democrats should focus on what's best for the nation and not another meritless investigation.

Climate Change

- At EPA, we are addressing Climate Change, and as a Nation, we continue to grow our economy, while also protecting our environment.
- Here in the U.S., our fossil fuels are extracted and produced in one of the most environmentally conscious manners in the world.
- From 2005 to 2017, total U.S. energy-related CO2 emissions fell by **14 percent**, while the U.S. became the number one energy producer in the world.
- In contrast, global energy-related CO2 emissions increased over 20 percent.
- And since 1990, U.S. natural gas production has **more than doubled**.
- Over that period, methane emissions from natural gas production **fell by over 16 percent**.
- From 1990 to 2018, annual emissions of sulfur dioxide (SO2) from coal-fired power plants fell by over **90 percent** while emissions of (nitrogen oxides) NOx fell by over **80 percent**. And in the past decade alone, mercury emissions from power plants have decreased by nearly **90 percent**.

Climate Science/Advisory Boards:

- EPA is committed to scientific integrity and transparency.
- EPA has the utmost confidence in its career scientist and the members on its science advisory boards and panels.
- EPA routinely takes comments from the public and outside organizations, including those not employed or associated with EPA.
- The Agency will continue to take into consideration those comments that meet our scientific standards.

UN Climate Report:

- The administration is currently reviewing the report, and I would recommend reaching out to the State Department as this is a U.N. report.
- In terms of what the Trump administration is currently doing, we've finalized the ACE rule which will reduce GHG emissions in the power sector by as much as 35 percent below 2005 levels.
- The Energy Information Administration's short-term outlook just released projects that U.S. energy-related carbon dioxide (CO2) emissions will decline by 2.3% in 2019 and by 0.5% in 2020. EPA's report is due out next year.
- From 2005 to 2017, the U.S. reduced its energy-related CO2 emissions by 14 percent.

- In contrast, global energy-related CO2 emissions have increased over 20 percent since 2005.
- This is in addition to our overall air quality which has seen from 1970 to 2018, the combined emissions of the six criteria pollutants dropped by 74 percent, while the U.S. economy grew by nearly 275 percent.
- Emissions of all key air pollutants dropped between 2016 and 2018, and lead and sulfur dioxide concentrations dropped by double-digit percentages during the same period.

NCA RCP 8.5:

- In a 2015 memo, the Obama administration's political appointees directed the National Climate Assessment by stating "NCA 4 will focus on RCP 8.5 as a high-end scenario and RCP 4.5 as a low-end scenario."
- **WHEELER:** "I think a lot of the worst-case scenario information in that assessment is what's concerning a lot of people in this administration... I don't think the assessment really took into account the innovation that we've seen and the technological advancement that we've seen in recent years. It basically freezes technology going forward." ([[HYPERLINK "https://thehill.com/policy/energy-environment/418639-epa-chief-criticizes-climate-report-over-worst-case-scenario"](https://thehill.com/policy/energy-environment/418639-epa-chief-criticizes-climate-report-over-worst-case-scenario)], 11/28/18)

Air Quality

- According to the World Health Organization, the U.S. has some of the lowest fine particulate matter levels in the world.
 - U.S. fine particulate matter levels are five times below the global average, seven times below Chinese levels, and well below France, Germany, Mexico, and Russia.
- Much of this progress has taken place in low-income counties across the country.
- Based on the most recent monitoring data from 2017, 86% of low-income counties were in attainment with EPA's National Ambient Air Quality Standards (NAAQS), compared to 43% in 2008.
- We are helping areas across the nation reduce air pollution and meet the nation's air quality standards.
- By doing so, many regions across the country are moving from non-attainment to attainment.
- This is breathing new life into the local economy by alleviating a major regulatory burden.

Paris Climate Agreement

- The U.S. position with respect to the Paris Agreement has not changed. The U.S. intends to withdraw from the Paris Agreement, absent the identification of terms for participation more favorable to the U.S.
- For most countries that sign the Paris Agreement, there are no negative consequences if they don't meet the targets.

Executive Orders on Guidance and Enforcement

- EPA strongly supports transparency and fairness. These two executive orders provide us with the opportunity to institutionalize reforms we are already implementing at the Agency. For example, the Office of Water has already completed a review of its guidance documents, including draft guidance that had never been finalized, even after 10 or more years. The Office of Enforcement and Compliance Assurance has already refreshed and expanded EPA's self-audit programs, the encourage companies to return to compliance more quickly.

Lead and Copper Rule

- As part of Children’s Health Month, the U.S. Environmental Protection Agency (EPA) is announcing a proposed rule that significantly improves the actions that water systems have to take to reduce lead in the nation’s drinking water.
- This action represents the first major overhaul of the Lead and Copper Rule since 1991 and marks a critical step in advancing the Trump Administration’s Federal Action Plan to Reduce Childhood Lead Exposures.
- Although we have made tremendous progress in removing lead from our nation’s drinking water, some children and communities are still being exposed to lead.
- EPA is delivering on President Trump’s commitment to ensure all Americans have access to safe and clean water by proposing a new Lead and Copper Rule that requires action sooner, increases transparency, and safeguards our children and most at-risk communities.
- In conjunction with releasing the proposed rule, EPA and the Department of Housing and Urban Development have launched a new website that summarizes available federal programs that help finance or fund lead service line replacement. The new resource also includes case studies demonstrating how cities and states have successfully leveraged federal resources to support lead service lines (LSLs) replacement projects.
- The agency’s proposal takes a proactive and holistic approach to improving the current rule—from testing to treatment to telling the public about the levels and risks of lead in drinking water.
- The proposal focuses on six key areas. Under the proposal, a community water system would be required to take new actions, including, but not limited to:
 - **1) identifying the most impacted areas** by requiring water systems to complete and maintain a publicly-available inventory of the LSLs at homes and requiring water systems to “find-and-fix” sources of lead when a sample in the home exceeds 15 parts per billion (ppb).
 - **2) strengthening drinking water treatment** by requiring corrosion control treatment based on tap sampling results and establishing a new trigger level of 10 ppb. Water systems will also be required to “find-and-fix” sources of lead by adjusting treatment or water chemistry when a sample in the home exceeds 15 ppb.
 - **3) replacing lead service lines** by requiring water systems to replace the water system-owned portion of an LSL when a customer chooses to replace their portion of the line. Additionally, depending on their level above the trigger level, systems would be required take LSL replacement actions, as described below.
 - **4) increasing drinking water sampling reliability** by requiring water systems to follow new, improved sampling procedures and rethink sampling sites to better target higher lead levels.
 - **5) improving risk communication to customers** by requiring water systems to notify customers within 24 hours if a sample collected in their home is above 15 ppb. Water systems will also be required to conduct regular outreach to the homeowners with LSLs.
 - **6) better protecting children in schools and child care facilities** by requiring water systems to take drinking water samples from the schools and child care facilities served by the system.

LCR Proposed Rule: 3% vs 7%:

- Press reports that claim EPA's new proposal would require fewer lead service line replacements are simply not true.
- What's important is that the new proposal closes loopholes and strengthens requirements to ensure that more lead service lines are replaced and more people are protected, especially in neighborhoods that need it most.
- One of the most significant improvements to the current rule is to ensure replacements are actually happening on the ground and making a difference to public health.
- EPA has found that the existing rule's 7% replacement rate is rarely occurring due to weaknesses in the current rule. For instance, water systems today can use the "test out" provisions of the current rule which allows a system to count the line as replaced if a sample is below 15 parts per billion—even when no replacement construction has actually happened.
- This would no longer be allowed.
- Another example: today, water systems can stop their lead service line replacement programs after one year or less once they are below the action level.
- The proposed rule requires water systems that fall under the rule's mandatory 3% replacement program to have lead levels less than the 15 ppb action level for two years prior to ending its replacement program.

RFS Supplemental

- EPA recently announced that President Trump successfully negotiated an agreement on the Renewable Fuel Standard (RFS).
- Under this agreement, the following actions will be undertaken by EPA and USDA:
- EPA proposed and is requesting public comment on expanding biofuel requirements beginning in 2020 to ensure that a net of 15 billion gallons of conventional ethanol are blended into the nation's fuel supply and to ensure the volume obligation for biomass-based biodiesel is met.
- Specifically, this supplemental notice requests comment on the following:
 - Adjustments to the percentage standards for 2020 RVOs for gasoline and diesel fuel projected to be produced by exempt small refineries.
 - EPA's proposal to effectively increase the percentage standards that apply to non-exempt obligated parties to offset future small refinery exemptions based upon a calculation derived using a three-year average of the relief recommended by the Department of Energy for, alternatively, the 2015-2017 and 2016-2018 compliance years.
- Consistent with the Clean Air Act, the supplemental notice seeks to balance the goal of the RFS of maximizing the use of renewables while following the law and sound process while at the same time providing relief to small refineries that demonstrate hardship, as Congress directed.
- The supplemental notice of proposed rulemaking builds upon the President's earlier decision to allow year-round sales of E15. EPA will initiate a rulemaking process to streamline labeling and remove other perceived barriers to the sale of E15. In addition to this supplemental notice, EPA will continue to evaluate options for RIN market transparency and reform, and USDA will pursue opportunities through the budget process

to consider infrastructure projects to facilitate higher biofuel blends. The Administration will continue to work to address ethanol and biodiesel trade issues.

- Under the agreement with President Trump, USDA will seek opportunities through the budget process to consider infrastructure projects to facilitate higher biofuel blends.
- The Administration will continue to work to address ethanol and biodiesel trade issues.
- Since taking office in 2017, the Trump Administration has enacted tax and regulatory policies that have helped make America energy dominant.
- The Administration has cut burdensome red tape through deregulation, including signing a record number of Congressional Review Act (CRA) legislation, repealing the 2015 Waters of the United States (WOTUS) rule, reforming the Section 401 process under the Clean Water Act, proposing a new methane rule, and removing the U.S. from the job-killing Paris Climate Accord.
- EPA will continue to consult with our federal partners on the best path forward to ensure stability in the Renewable Fuel Standard.
- The Trump Administration has overseen year-over-year increases in domestic fuel ethanol production, to the highest level in history and [[HYPERLINK "https://www.eia.gov/todayinenergy/detail.php?id=39212"](https://www.eia.gov/todayinenergy/detail.php?id=39212)].

California:

- Highlighting that California has the worst air quality in the nation along with other serious environmental problems is not a political issue. The Trump Administration, unlike the previous administration, will act to protect public health and the environment for all Americans.
- California's challenges with compliance with the Safe Drinking Water Act have been an ongoing concern since they were brought to my attention at the Energy & Commerce hearing back in March.
- Congresswoman Barragan raised serious concerns to me at that hearing about the drinking water in Compton, and subsequently I asked the Office of Water to look into the issue. The Congresswoman only gave me the opportunity to answer 2 "yes or no" questions, so I wasn't able to explain to her at the time that oversight of the Compton system is a program that had been delegated to the State of California under the Safe Drinking Water Act, and that therefore the State is the first line of defense.
- EPA has been reviewing several issues that were identified as a result of the follow-up to the Congresswoman's questions about the State of California's implementation of our Nation's water laws. Those issues were the basis for our September 26th letter.

San Francisco Notice of Violation:

- The Administrator's September 26 letter to Governor Newsom is an oversight letter to the State raising concerns regarding their implementation of the Clean Water Act and the Safe Drinking Water Act.
- EPA oversight of a State's program implementation and EPA oversight or enforcement actions against a regulated entity within a state are completely separate issues.
- On Wednesday, October 2, EPA notified the San Francisco Public Utilities Commission, a regulated entity, that EPA has identified violations of the City and County of San Francisco's National Pollutant Discharge Elimination System permits regulating discharges from the city's wastewater treatment plants, 36 combined sewer discharge facilities and its combined

sewer system. The identified violations are based on inspections and field visits in 2015 and 2016, and additional information, such as monitoring data that was gathered after the inspection.

- **As the notice explains, the failure to properly operate and maintain the City's sewage collection and treatment facilities creates public health risks.**
- For example, lack of proper operation and maintenance has caused force main and pump station failures that have diverted substantial volumes of raw and partially-treated sewage to flow across beaches and into the San Francisco Bay and the Pacific Ocean.
- EPA expects San Francisco to share its concern for the protection of public health and surface water resources and to address its ongoing Clean Water Act violations with significant and meaningful measures to ensure a prompt return to full compliance.

CA Water Oversight Letter

- On Thursday, September 26, EPA sent a letter to Governor Newsom outlining deficiencies in the State of California's implementation of the Clean Water Act and the Safe Drinking Water Act, and how those deficiencies may be failing to protect Californians from degraded water.
- The letter outlines deficiencies in the State's oversight of the Clean Water Act and the Safe Drinking Water Act programs that have led to significant public health concerns in California and the steps the state must take to address them.
- EPA is aware of and highlighted to the state numerous recent health-based exceedances under the Safe Drinking Water Act.
- These exceedances call into question the State's commitment to protect the public and administer its SDWA programs in a manner consistent with federal requirements.
- EPA is also aware of the growing homelessness crisis developing in major California cities, including Los Angeles and San Francisco, and the homeless crisis is likely having adverse impacts on the environment.
- The EPA stands ready to assist California and CalEPA to protect the health and environment of Californians.
- In order to ensure that appropriate steps are being taken to protect the 40 million Americans living in California, EPA is asking for a remedial plan from the state detailing the steps it's taking to address the multitude of issues raised in our letter.

CA Air Oversight Letter

- Tuesday, September 24, EPA sent a letter to California Air Resources Board Chair Mary Nichols requesting the state withdrawal its backlog and unapproved State Implementation Plans, and work with EPA to develop complete approvable SIPs.
- Since the 1970s, California has failed to carry out its most basic tasks under the Clean Air Act. California has the worst air quality in the United States with 82 areas that don't attain National Ambient Air Quality Standards affecting 34 million people living in these areas, more than twice as many people than any other state in the country.
- The state of California represents a disproportionate share of the national list of backlog SIPs, roughly one-third of EPA's overall SIP backlog.
- California's total portion of the SIP backlog is more than 100 with many dating back decades. Most of these SIPs are inactive and appear to have fundamental issues related to approvability.

- In the event California fails to withdraw these SIPs, EPA will begin the disapproval process for individual plans which triggers statutory clocks for three things: highway funding sanctions; new source review permitting sanctions; a deadline for the issuance of a federal implementation plan for the area.
- When President Trump took office, EPA inherited 700 SIPs from the previous administration, we've taken action on over 400. Additionally, EPA has converted a FIP to SIP once a month since March 2017, and the EPA will continue to work diligently with the States to ensure they have approvable SIPs.
- EPA received an initial response from CARB and will ensure progress is being made on improving air quality in California. EPA stands ready to work with California to meet the administration's goal of clean healthy air for all Americans.

SAFE

- The SAFE vehicle rule is a top priority for EPA and the Trump Administration. EPA and NHTSA career and political staff have been and continue to work diligently through the OMB review process to finalize the rule.
- When implemented, the rule will benefit all Americans by improving the U.S. fleet's fuel economy, reducing air pollution, and making new vehicles more affordable for all Americans.
- **As new vehicles are safer than ever**, ultimately, the SAFE rule will save lives and reduce the cost of a new car, **while creating jobs across our nation**.
- When finalized, this rule will be a win for all Americans.

One National Program Rule; SAFE step 1

- The Trump Administration took the first step by revoking California's Federal Waiver on emissions in order to ensure that there is one and only one set of national standards for fuel economy and greenhouse gas emissions. This will produce less expensive cars for the consumer, and because new cars are safer, this action will make the U.S. fleet substantially safer.
- **Today's action will save lives, save money for consumers, and create jobs across our nation.**
- President Trump promised the American people that his Administration would address and correct the current fuel economy and greenhouse gas emissions standards, and today, his Administration is taking steps to fulfill this promise.
- One national standard provides much-needed regulatory certainty for the automotive industry and sets the stage for the Trump Administration's final SAFE rule that will save lives and promote economic growth by reducing the price of new vehicles and helping more Americans purchase newer, cleaner, and safer cars and trucks.

WOTUS

- **Water quality will not be harmed** by EPA and the Army's action last month to repeal the unlawful Obama Administration WOTUS rule.
- The previous administration's 2015 WOTUS rule wasn't about water quality. It was about power – power in the hands of the federal government over farmers, developers, and landowners.

- The 2015 Rule has never been in effect nationwide, and the applicability of the rule has remained in flux due to a shifting set of preliminary injunctions barring implementation of the rule in different states across the country. Over the past year alone, the number of states subject to the 2015 Rule has changed multiple times.
- The final Step 1 rule will end the regulatory patchwork that included implementing two competing Clean Water Act regulations, which created uncertainty across the United States.
- EPA will go forward with finalizing the Step 2 proposal that would give states and tribes more flexibility to determine how best to manage waters within their orders, in accordance with the objective and policies of the Clean Water Act.
- The proposal's new, more precise definition will mean that farmers, land owners, and businesses will spend less time and money determining whether they need a federal permit and more time upgrading aging infrastructure, building homes, creating jobs, and growing crops to feed our families.
- **This action continues President Trump's deregulatory agenda.** Under President Trump, EPA has finalized **46 deregulatory actions**, saving Americans more than **\$4 billion dollars in regulatory costs**. We have an additional 45 actions in development projected to save billions more.

OOOOa

- In August 2019, EPA took an important step toward removing inappropriate regulatory duplication, that aims to save the oil and natural gas industry in the United States millions of dollars in compliance costs.
- This action by EPA responds to President Trump's *Executive Order on Promoting Energy Independence and Economic Growth*. That order directs agencies to review existing regulations that potentially "burden the development or use of domestically produced energy resources," including oil and natural gas, and to rescind or suspend regulatory requirements if appropriate.
- Our proposal seeks to stop burdensome and costly federal regulations impacting the oil and natural gas industry that add extra cost to domestic energy production while providing minimal environmental benefit.
- Oil and gas are valuable resources, and the industry has every incentive to minimize emissions and maximize use.
- Since 1990, natural gas production in the United States has almost doubled while methane emissions across the natural gas industry have fallen by nearly 15 percent.
- Our regulations should not stifle this innovation and progress in an industry that is so vital to the U.S economy.
- **Cost Savings:**
 - The bottom line for the industry and our economy is that by rescinding inappropriate duplicate regulations, we'll continue to provide substantial environmental protection while saving the industry millions of dollars.
 - Our regulatory impact analysis estimates that the proposed amendments would save the oil and natural gas industry \$17-\$19 million a year, for a total of \$97-\$123 million from 2019 through 2025.

Affordable Clean Energy (ACE)

- One of President Trump's first acts in office was to direct EPA to rescind and replace the Clean Power Plan.
- The CPP would have placed the cost of the previous administration's climate plan on hard-working Americans.
- Earlier this summer we released the final Affordable Clean Energy rule.
- ACE will give states and the private sector the regulatory certainty they need to invest in new technologies and continue to provide affordable and reliable energy.
- When ACE is fully implemented, we expect to see U.S. power sector CO2 emissions fall by as much as 35% below 2005 levels and reductions in sulfur dioxide (SO2), nitrogen oxides (NOx), and particulate matter (PM) emissions.
- Unlike the CPP, our ACE rule adheres to the four corners of the Clean Air Act.
- It gives states the regulatory certainty they need to continue to develop diverse and reliable energy portfolios.
- EPA projects that ACE will result in annual net benefits of anywhere from \$120 million to \$730 million.

Superfund

- In FY 2019, we deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since 2001.
- We believe that a site on the National Priorities List should be just that – a national priority.
- By strengthening the Superfund program, we are breathing new life and new opportunity into disadvantaged communities around the country.
- Promoting Redevelopment and Community Revitalization: The Superfund Task Force has worked hard to increase the number of NPL sites that are returned to communities for redevelopment. In 2018, we made 51 sites ready for their anticipated re-use, the highest total since FY 2013.

PFAS

- Taking action to address per- and polyfluoroalkyl substances (PFAS) is a top priority for the Administrator, EPA leadership and the entire agency.
- The [[HYPERLINK](https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fpfas%2Fepas-pfas-action-plan&data=02%7C01%7Cjpagliery%40univision.net%7C03174e1eafc14b53275408d7273585c0%7C91ff98f7aa664cf39617b5c4f409c51d%7C0%7C0%7C637020984266855480&sdata=N%2FJ7njtyGx2R7AUh158tbDRT9zy2j1nDe%2B2VpqrOBLU%3D&reserved=0) "https://nam04.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.epa.gov%2Fpfas%2Fepas-pfas-action-plan&data=02%7C01%7Cjpagliery%40univision.net%7C03174e1eafc14b53275408d7273585c0%7C91ff98f7aa664cf39617b5c4f409c51d%7C0%7C0%7C637020984266855480&sdata=N%2FJ7njtyGx2R7AUh158tbDRT9zy2j1nDe%2B2VpqrOBLU%3D&reserved=0"] is the first-ever multi-media, multi-program, national research, management and risk communication plan to address a challenge like PFAS.
- The plan identifies short-term solutions for addressing these chemicals and long-term strategies that will help provide the tools and technologies that states, tribes, and local communities need to provide clean and safe drinking water to their residents and to address PFAS at the source—even before it gets into the water.
- The agency is making progress on the PFAS Action Plan by developing tools and expanding the body of scientific knowledge needed to understand and effectively manage risk from PFAS compounds.

- **Additional Background**

- For example, the Agency is moving forward with the process to establish a national primary drinking water standard as outlined in the Safe Drinking Water Act (SDWA) for PFOA and PFOS.
- As the next step in this process, EPA will propose a regulatory determination for PFOA and PFOS by the end of this year and will work through the rulemaking process as expeditiously as possible. The Agency is also gathering and evaluating information to determine if regulation is appropriate for other chemicals in the PFAS family.
- EPA is also working through the regulatory process for proposing PFOA and PFOS for addition to the list of CERCLA hazardous substances.
- EPA also has a number of actions currently undergoing interagency review, including:
 - an advanced notice of proposed rulemaking on adding certain PFAS substances to the Toxic Release Inventory; and
 - a supplemental proposed rule on PFAS, which would require manufacturers (including importers) of PFOA and certain PFOA-related chemicals, and processors of these chemicals to notify the EPA before starting or resuming new uses of these chemicals in any products.

Trump Administration Achievements

- Our Nation is blessed with incredible natural resources. Resources that create jobs and improve lives.
- We know that we can extract and use these resources while protecting the environment at the same time. We don't have to choose between one or the other.
 - From 1970 to 2018, the U.S. has reduced the six main criteria air pollutants by 74% while the economy grew over 275%.
 - From 2005 to 2017, the U.S. reduced its energy-related CO2 emissions by 14%.
 - And while these reductions occurred, we became the number one oil and gas producer in the world.
 - In contrast, global energy-related CO2 emissions have increased over roughly 15% since 2005.
- On the water front, we've made similar progress.
 - Today, we are ranked number one in the world for access to clean drinking water.
 - In the 1960s, more than 40% of our nation's drinking water systems failed to meet even the most basic health standards.
 - Today, over 92% of community water systems meet all health-based standards, all the time.
- We're making tremendous progress cleaning up contaminated lands and hazardous sites.
 - In Fiscal Year 2019, EPA deleted all or part of 27 sites from the National Priorities List, the largest number of deletions in one year since Fiscal Year 2001.

Deregulation:

- Under President Trump, EPA has finalized **46 deregulatory actions**, saving Americans more than **\$4 billion dollars in regulatory costs**.
- We have an additional 45 actions in development projected to save billions more.

- And a recent report found that we exceeded the deregulatory goals of President Trump's two-for-one executive order.
- During his first two years in office, we cut **26 regulations** and created just **four new ones**.

Regulatory Certainty

- I think an effective regulation is one that follows the law and will be held up in courts.
- We are putting forward proposals that follow the authority Congress has given us.
- I think that is the responsible thing for the agency to do.
- I don't think it's responsible with our form of government with three branches, I don't think it's EPA's job to write the legislation on its own.
- We have to follow the statutory constraints Congress has given us, and I think we are doing that under the ACE proposal.

Animal Testing:

- EPA is making significant efforts to reduce, replace and refine its animal testing requirements under both statutory and strategic directives, while ensuring protection of human health and the environment.
- In September, EPA released a draft science policy intended to reduce testing of pesticides on birds when registering conventional outdoor pesticides. The foundation of this policy is EPA's collaboration with People for the Ethical Treatment of Animals (PETA). The draft policy is open for public comment until November 1, 2019.
- EPA is aggressively pursuing significant reductions in the next 5 to 15 years to mammal studies, study requests and funding of this research.
- EPA is also awarding grants for the advancement of research on alternative methods to animal testing.
- Alternatives to traditional animal testing used by EPA will be those that ensure that the Agency's regulatory, compliance, and enforcement activities, including chemical and pesticide approvals and Agency research, remain fully protective of human health and the environment.
- Beginning this year, EPA will hold a joint annual conference on scientific advancements in animal testing alternative methods and to for leaders in this field to share their progress and discuss developments.

Newark Water:

- EPA has a long history of assisting cities including the City of Newark and states across the country to address lead in drinking water.
 - For example, in the past 10 years, Newark has received multiple drinking water State Revolving Fund (DWSRF) loans totaling \$66.5 million.
- The City of Newark, EPA and New Jersey Department of Environmental Protection (NJDEP) have been working together to determine the efficacy of the filters being used to address lead in drinking water in the Newark area.
- Since mid-August, EPA has had technical experts on-the-ground assisting with the collection and analysis of drinking water samples. The agency is also providing regular support to the city and the state, through technical calls and support.

- On September 22, 2019, EPA received a copy of the city's draft report which presented the city's preliminary analysis, findings, and recommendations based on the results from the sampling program.
- EPA's technical experts have carefully reviewed the draft and have worked closely with the city and the state on evaluating the information and providing our technical input.
- EPA intends to provide the Agency's position on the city's final recommendations once the technical team has finished reviewing the document and the report is final.
- EPA is also committed to working with the state and city to support the longer-term solutions for reducing lead in water and ensuring that all residents of Newark have access to safe drinking water.

WIFIA

- Through WIFIA, EPA is playing a leading role in President Trump's efforts to upgrade our nation's infrastructure, create jobs, and safeguard public health and the environment.
- The WIFIA program is a federal loan and guarantee program at the EPA that aims to accelerate investment in the nation's water infrastructure by providing long-term, low-cost, supplemental credit assistance for regionally and nationally significant projects.
- EPA has already closed on 13 WIFIA loans under President Trump, totaling over \$3.5 billion in credit assistance to help finance over \$8 billion for water infrastructure projects and create over 15,000 jobs.

Pesticides

- Feeding the country and feeding the world is essential. The Trump Administration is working hard to ensure U.S. farmers and ranchers have access to the best modern farming technologies so that they can continue to grow strong yields, feed the world and enhance our nation's food security.
- The federal government is working hard to ensure our farmers continue to have access to the safest & most effective pesticides, herbicides, fertilizers— among other important crop protection tools.
- The law requires EPA to review each of the over 700 commercially available registered pesticides and review/ re-register them every 15 years. In FY 2019 alone, we made 75 of these decisions to give farmers and ranchers the clarity they need surrounding the availability of these tools that are vital to production agriculture and ultimately rural economies.
- This is unlike some states across the country, like California, where for politically motivated reasons they have sought to ban scientifically-proven, otherwise safe pesticides that their own farmers and ranchers need in order to stop harmful pests and invasive plant species from ruining their yields.
- In April, we took the next step in the review process for **glyphosate**.
- We found – as we have before – that glyphosate is not a carcinogen and there are no risks to public health when glyphosate is used in accordance with its current label.
- On a similar front, we extended the registration of **dicamba** for two years, along with important new label restrictions.
- We tightened the application requirements in order to specifically help mitigate drift issues.

Prop 65/Glyphosate Labeling

- In August, EPA issued guidance to registrants of glyphosate to ensure clarity on labeling of the chemical on their products.
- EPA will no longer approve product labels claiming glyphosate is known to cause cancer – a false claim that does not meet the labeling requirements of the *Federal Insecticide, Fungicide, and Rodenticide Act* (FIFRA).
- The State of California's much criticized Proposition 65 has led to misleading labeling requirements for products, like glyphosate, because it misinforms the public about the risks they are facing. This action will ensure consumers have correct information, and is based on EPA's [[HYPERLINK "https://www.regulations.gov/document?D=EPA-HQ-OPP-2009-0361-0073"](https://www.regulations.gov/document?D=EPA-HQ-OPP-2009-0361-0073)].

Chlorpyrifos

- EPA is aware of the recently announced agreement between California and several pesticide manufacturers to cancel many chlorpyrifos products.
- The manufacturers' decision to stop selling certain products in California does not affect EPA's registration review process of chlorpyrifos or the federally approved chlorpyrifos label.
- EPA maintains that it has not yet been demonstrated that chlorpyrifos poses an unreasonable risk and the science addressing neurodevelopmental effects remains unresolved.
- EPA is expediting its review of chlorpyrifos and we anticipate a preliminary decision in 2020.

Sulfoxaflor

- **In July 2019**, EPA issued a long-term approval for the insecticide sulfoxaflor— an effective tool to control challenging pests with fewer environmental impacts.
- **This will bring long-term certainty to farmers as EPA had previously been issuing emergency exemptions for its use annually for several years and only for certain crops. Clearly, the full-term registration was warranted and the science backs it up.**
- EPA conducted an extensive risk analysis on this product, including the review of one of the agency's **largest datasets on the effects of a pesticide on bees ever**, EPA has approved the long-term use of sulfoxaflor on alfalfa, corn, cacao, grains (millet, oats), pineapple, sorghum, teff, teosinte, tree plantations, citrus, cotton, cucurbits (squash, cucumbers, watermelons, some gourds), soybeans, and strawberries.